



LEGISLATIVE ASSEMBLY  
OF ONTARIO

---

BILLS  
AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS

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SESSION  
FEBRUARY 11th to APRIL 9th  
1936





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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to authorize Alfred Pehlke to practise as a Drugless Practitioner.

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MR. BLAKELOCK

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(PRIVATE BILL)

No. 1

1936

# BILL

An to Act authorize Alfred Pehlke to practise as a  
Drugless Practitioner.

Preamble.

**W**HEREAS Alfred Pehlke of the City of Hamilton in the County of Wentworth, has by his petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Admission  
to practise  
as a  
drugless  
practitioner.

**1.** The Board of Regents established under the provisions of *The Drugless Practitioners Act* at any time shall admit the said Alfred Pehlke to practise in Ontario as a drugless practitioner under the authority of the said Act upon payment of the usual fees, without his complying with any other requirements or provisions as to admission of the said Act or any regulations made thereunder, any law, usage or custom to the contrary notwithstanding.

Commence-  
ment of Act.

**2.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to authorize Alfred Pehlke to  
practise as a Drugless Practitioner.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. BLAKELOCK

*(Private Bill)*



No. 2

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Town of Meaford.

---

MR. PATTERSON

---

(PRIVATE BILL.)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 2

1936

# BILL

## An Act respecting the Town of Meaford.

Preamble.

**W**HEREAS the corporation of the town of Meaford has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Meaford Act, 1936*.

Tax sales  
and  
conveyances  
confirmed.

2.—(1) All sales of land within the town of Meaford made prior to the 31st day of December, 1934, and purporting to have been made by the corporation of the said town, or its treasurer, for arrears of taxes in respect to the land so sold, are hereby validated and confirmed, and all conveyances of land so sold, executed by the mayor or reeve and treasurer of the said corporation, purporting to convey the said land so sold to the purchaser thereof, or his heirs, or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser, or his heirs, or assigns, and his or their heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon, and dower therein, except taxes accruing after those for non-payment of which the said lands were sold.

Except  
pending  
litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Commence-  
ment of Act.

3. This Act shall come into force on the 1st day of July, 1936.





BILL

An Act respecting the Town of Meaford.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. PATTERSON

*(Private Bill)*



No. 2

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Town of Meaford.

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MR. PATTERSON

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 2

1936

# BILL

An Act respecting the Town of Meaford.

Preamble.

**W**HEREAS the corporation of the town of Meaford has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Town of Meaford Act, 1936*.

Tax sales  
and  
conveyances  
confirmed.

**2.**—(1) All sales of land within the town of Meaford made prior to the 31st day of December, 1934, and purporting to have been made by the corporation of the said town, or its treasurer, for arrears of taxes in respect to the land so sold, are hereby validated and confirmed, and all conveyances of land so sold, executed by the mayor or reeve and treasurer of the said corporation, purporting to convey the said land so sold to the purchaser thereof, or his heirs, or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser, or his heirs, or assigns, and his or their heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon, and dower therein, except taxes accruing after those for non-payment of which the said lands were sold.

Except  
pending  
litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the 1st day of July, 1936.





BILL

An Act respecting the Town of Meaford.

*1st Reading*

February 18th, 1936

*2nd Reading*

March 13th, 1936

*3rd Reading*

March 20th, 1936

MR. PATERSON

No. 3

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Grand Council of the Canadian Order of  
Chosen Friends.

---

MR. SCHWENGER

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 3

1936

# BILL

## An Act respecting the Grand Council of the Canadian Order of Chosen Friends.

Preamble.

**W**HEREAS the Grand Council of the Canadian Order of Chosen Friends has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Canadian Order of Chosen Friends Act, 1936*.

Rebate of  
premiums  
in 1936  
in certain  
cases.  
Rev. Stat.,  
c. 222.

**2.** Notwithstanding the provision of section 229 of *The Insurance Act* requiring authorization by the constitution and laws of the Order it shall be lawful for the Grand Executive Committee of the Grand Council of the Canadian Order of Chosen Friends, with the approval in writing of the actuary of the said Order, to rebate or repay in the year 1936 out of the surplus assets in the life insurance fund of the said Order an amount not to exceed ten per centum of the premiums paid in said year by all members of the said Order who during the said year have attained or shall attain the age of seventy years or more.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act respecting the Grand Council of  
the Canadian Order of Chosen Friends.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. SCHWENGER

*(Private Bill)*



2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act respecting the Grand Council of the Canadian Order of  
Chosen Friends.

---

MR. SCHWENGER

---

" (PRIVATE BILL)

No. 3

1936

# BILL

## An Act respecting the Grand Council of the Canadian Order of Chosen Friends.

Preamble.

**W**HEREAS the Grand Council of the Canadian Order of Chosen Friends has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Canadian Order of Chosen Friends Act, 1936*.

Rebate of  
premiums  
in 1936  
in certain  
cases.  
Rev. Stat.,  
c. 222.

**2.** Notwithstanding the provision of section 229 of *The Insurance Act* requiring authorization by the constitution and laws of the Order it shall be lawful for the Grand Executive Committee of the Grand Council of the Canadian Order of Chosen Friends, with the approval in writing of the actuary of the said Order, to rebate or repay in the year 1936 out of the surplus assets in the life insurance fund of the said Order an amount not to exceed ten per centum of the premiums paid into the said fund in said year by all members of the said Order who during the said year have attained or shall attain the age of seventy years or more.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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---

BILL

An Act respecting the Grand Council of  
the Canadian Order of Chosen Friends.

---

*1st Reading*

February 18th, 1936

*2nd Reading*

March 13th, 1936

*3rd Reading*

---

MR. SCHWENGER

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(Reprinted as amended by the Committee on  
*Private Bills*).

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No 3

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act respecting the Grand Council of the Canadian Order of  
Chosen Friends.

---

MR. SCHWENGER

---

No. 3

1936

# BILL

## An Act respecting the Grand Council of the Canadian Order of Chosen Friends.

Preamble.

**W**HEREAS the Grand Council of the Canadian Order of Chosen Friends has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Canadian Order of Chosen Friends Act, 1936*.

Rebate of  
premiums  
in 1936  
in certain  
cases.  
Rev. Stat.,  
c. 222.

**2.** Notwithstanding the provision of section 229 of *The Insurance Act* requiring authorization by the constitution and laws of the Order it shall be lawful for the Grand Executive Committee of the Grand Council of the Canadian Order of Chosen Friends, with the approval in writing of the actuary of the said Order, to rebate or repay in the year 1936 out of the surplus assets in the life insurance fund of the said Order an amount not to exceed ten per centum of the premiums paid into the said fund in said year by all members of the said Order who during the said year have attained or shall attain the age of seventy years or more.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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## BILL

An Act respecting the Grand Council of  
the Canadian Order of Chosen Friends.

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### *1st Reading*

February 18th, 1936

### *2nd Reading*

March 13th, 1936

### *3rd Reading*

March 20th, 1936

---

MR. SCHWENGER

---

No. 4

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the City of Toronto.

---

MR. KIRBY

---

(PRIVATE BILL)

---

TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Toronto.

### Preamble.

**W**HEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The City of Toronto Act, 1936*.

### Confirmation of tax sales and conveyances.

**2.**—(1) All sales of land within the City of Toronto made prior to the 31st day of December, 1934, and purporting to have been made by the corporation of the city of Toronto or its treasurer for arrears of taxes in respect to the land so sold are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser or his heirs or assigns, and his or their heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon and dower therein, excepting taxes accruing after those for non-payment of which the land was sold.

### Exception as to pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

1930, c. 105,  
s. 7, subs. 2,  
re-enacted.

**3.** Subsection 2 of section 7 of *The City of Toronto Act, 1930*, is repealed and the following substituted therefor:



- (2) No further investment in the capital stock of Gray Coach Lines, Limited, shall be made by the Toronto Transportation Commission, nor shall the capitalization of the said company hereafter be increased, unless and until the consent of the council of the corporation of the city of Toronto is first obtained thereto.

1935,  
c. 96, s. 5,  
amended.

4. Section 5 of *The City of Toronto Act, 1935*, is amended by striking out the words "until the 24th day of July, 1936" in the sixth and seventh lines thereof.

Prescription  
of building  
line on  
defined  
highways.

5.—(1) The Council of the said corporation may from time to time by a vote of two-thirds of all the members of the council pass by-laws providing, in the case of any highway or portion of a highway named in the by-law, that no building on land fronting or abutting on such highway or portion thereof shall be erected or placed closer to the line of the highway than a distance to be fixed by the by-law, and it shall not be necessary that the distance shall be the same on all parts of the same highway, and the provisions of every such by-law shall be enforceable in the same way and to the same extent as a by-law passed under the authority of *The Municipal Act*.

Rev. Stat.,  
c. 233.

Exception  
as to  
certain  
class of  
buildings.

(2) A by-law passed under the authority of this section shall not apply to prevent the erection closer to the highway than the distance fixed by the by-law of a building of a temporary character and one storey only in height provided such building otherwise conforms to existing building by-laws and regulations.

Approval of  
Municipal  
Board  
requisite.

(3) No by-law passed under the authority of this section shall have any force or effect until the same is approved by The Ontario Municipal Board.

Conveyance  
of viaduct  
lands to  
railway.

1886, c. 66.

6. Notwithstanding anything to the contrary in any Act contained, and notwithstanding that portions of the lands described in Schedule "A" hereto have heretofore been laid out to form part of a public esplanade or highway under the authority of the Act 49 Victoria, chapter 66, and amending Acts, the said lands described in Schedule "A" hereto are hereby declared to have been set apart for railway companies and to form part of the reservation for railway purposes as provided for in the said Acts.

Interpre-  
tation.

7.—(1) In this section,

"Dwelling."

(a) "Dwelling" shall mean and include any building the whole or any portion of which is used or intended for use for the purposes of human habitation with





the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;

"Inspector." (b) "Inspector" shall mean the person or persons from time to time designated by the council of said corporation to enforce the provisions of a by-law passed under this section;

"Owner." (c) "Owner" shall include the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

Authority to pass by-laws as to dwelling standards. (2) The council of the said corporation may pass by-laws for fixing a standard to which all dwellings shall conform, for requiring the owners of dwellings to make same conform to such standard, for prohibiting the use of dwellings which do not conform to such standard for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors for the enforcement of the by-law.

Loans for repairs to dwellings. (3) Where the owner of any dwelling is unable to pay the expenses of making same conform to the standard required by the by-law, the corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses, and the council of the said corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

Lien for loans made. (4) When the corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect to which such advance was made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed five per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal taxes on said dwelling.

Certificate of lien for registration. (5) A certificate of the clerk of the municipality setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the said dwelling shall be registered in the proper registry



office or land titles office against the said dwelling upon proper proof by affidavit of the signature of the said clerk, and upon repayment in full to the corporation of the said amount and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to such advance and interest thereon and from the lien arising therefrom.

Power of  
corporation  
to make  
repairs.

(6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection, and for any amount expended by or on behalf of the corporation under the authority of this subsection the corporation shall have a lien upon the dwelling in respect to which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

Enforce-  
ment.

Rev. Stat.,  
c. 233.

(7) A by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*.

By-law  
No. 14466  
confirmed.

(8) By-law No. 14466 passed by the council of said corporation, as set forth in Schedule "B" hereto, is hereby ratified and confirmed and shall be deemed to have been passed under the authority of this section.

Issue of  
debentures  
for dwelling  
repair  
loans.

8.—(1) It shall not be necessary for the council of said corporation to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 7 or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

Term of  
debentures.

(2) Debentures issued under the provisions of any such by-law shall be payable within such period not exceeding ten years and shall bear interest at such rate as the council of the said corporation shall in said by-law determine and the





principal and interest thereof shall be made payable in any manner authorized by *The Municipal Act*.

Validity of  
debentures.

(3) All debentures issued under the authority of this Act shall be legal, valid and binding upon the said corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of such debentures or in any by-law authorizing the issue thereof.

Commence-  
ment of Act.

**9.** This Act, other than section 2, shall come into force on the day upon which it receives the Royal Assent. Section 2 shall come into force on the 1st day of July, 1936.



## SCHEDULE "A."

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of a part of the Esplanade or Highway on the western side of the Don Channel, shewn on the Don Improvement Plan approved by By-laws Numbers 4160 and 4220 of the Municipal Corporation of the City of Toronto, which said plan is now on record in the Registry Office for the Registry Division of Toronto, and part of Front Street as shewn on Registered Plan 108 and which said lands are more particularly described in two parcels as follows:

PREMISING that all bearings herein are astronomic and are referred to the meridian through Front and Yonge Streets, Toronto;

PARCEL "A" containing by admeasurement twenty-eight thousand and thirty-nine square feet (28,039 square feet) be the same more or less; the boundaries of said Parcel "A" being described as follows:

COMMENCING at a point in the production easterly of the northerly limit of that part of Eastern Avenue lying immediately to the west of the said Esplanade or Highway (commonly known as the Don Esplanade) distant forty-three feet and two and three-quarters inches ( $43' 2\frac{3}{4}"$ ) measured easterly thereon from the westerly limit of the said Don Esplanade;

THENCE north seventy-two degrees and forty minutes ( $72^{\circ} 40'$ ) east still along the said production of the northerly limit of Eastern Avenue, Thirty-eight feet and Six and a half inches ( $38' 6\frac{1}{2}"$ ), more or less, to the easterly limit of the westerly Seventy-six feet ( $76'$ ) of the said Don Esplanade;

THENCE north twenty-two degrees and sixteen minutes ( $22^{\circ} 16'$ ) west, Ninety feet and Two and a half inches ( $90' 2\frac{1}{2}"$ ) to the easterly limit of the westerly One hundred and two feet ( $102'$ ) of the said Don Esplanade;

THENCE north thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) west, along the last-mentioned limit, Seven Hundred and thirteen feet ( $713'$ ) to the easterly limit of the right of way lands of the Canadian Pacific Railway Company leased to, or the use of which was otherwise assured to the said Canadian Pacific Railway Company by the said Corporation of the City of Toronto in conformity with an agreement between the said Corporation of the City of Toronto and the said Canadian Pacific Railway Company dated 2nd August, 1890;

THENCE southerly along the said easterly limit of right of way lands of the Canadian Pacific Railway Company, being along a curve to the right having a radius of Thirteen hundred and eight feet ( $1,308'$ ), to which curve the said easterly limit of the westerly One hundred and two feet ( $102'$ ) of the Don Esplanade is tangent, Three hundred and seventy feet and Three and a half inches ( $370' 3\frac{1}{2}"$ ), more or less, to the easterly limit of the westerly Fifty feet ( $50'$ ) of the said Don Esplanade;

THENCE southerly thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) east along the last-mentioned limit, Three hundred and thirty feet and Three inches ( $330' 3"$ );

THENCE south thirty-two degrees and forty-eight minutes ( $32^{\circ} 48'$ ) east, Ninety feet ( $90'$ ), more or less, to the point of commencement.

PARCEL "B" containing by admeasurement Thirty-eight thousand three hundred and fifty square feet (38,350 sq. ft.) be the same more or less; the boundaries of said Parcel "B" being described as follows:





COMMENCING at a point in the westerly limit of the said Don Esplanade distant Eighty-one feet and Nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ) more or less, measured southerly thereon from the southerly limit of Front Street East, the said point being at the intersection of the said westerly limit of the Don Esplanade with a line drawn parallel to and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure standing in 1934 partly upon said Parcel "B";

THENCE north thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) west, along the said westerly limit of Don Esplanade, Eighty-one feet and nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ), more or less, to the said southerly limit of Front Street East;

THENCE south seventy-two degrees and eighteen minutes ( $72^{\circ} 18'$ ) west, along the said southerly limit of Front Street East, Twenty-eight feet and One and a half inches ( $28' 1\frac{1}{2}''$ );

THENCE north fifteen degrees and forty-two minutes ( $15^{\circ} 42'$ ) west, sixty-six feet and half an inch ( $66' 0\frac{1}{2}''$ ) to the intersection of the northerly limit of Front Street East with the said westerly limit of the Don Esplanade;

THENCE north twenty-four degrees and fifty-three minutes ( $24^{\circ} 53'$ ) west, Seventy feet and Nine and a half inches ( $70' 9\frac{1}{2}''$ );

THENCE north thirty-one degrees and twenty minutes ( $31^{\circ} 20'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and forty-seven minutes ( $34^{\circ} 47'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-seven minutes ( $37^{\circ} 27'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and thirty-four minutes ( $39^{\circ} 34'$ ) west, Fifty feet ( $50'$ );

THENCE north forty degrees and nineteen minutes ( $40^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and nineteen minutes ( $39^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-six minutes ( $37^{\circ} 26'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and twenty-eight minutes ( $34^{\circ} 28'$ ) west, Forty-eight feet ( $48'$ );

THENCE north seventy-five degrees and forty-eight minutes ( $75^{\circ} 48'$ ) east, Forty-seven feet and eleven inches ( $47' 11''$ ) more or less to the easterly limit of the westerly Seventy-six feet ( $76'$ ) of the said Don Esplanade;

THENCE south sixty degrees and twenty-four minutes ( $60^{\circ} 24'$ ) east, Sixty feet and ten inches ( $60' 10''$ );

THENCE south forty degrees and thirty-one minutes ( $40^{\circ} 31'$ ) east, One hundred and eight feet and Two and one-quarter inches ( $108' 2\frac{1}{4}''$ );

THENCE south fifty degrees and thirty-eight minutes ( $50^{\circ} 38'$ ) west, Three feet and Eleven and a half inches ( $3' 11\frac{1}{2}''$ ) more or less to a point distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure hereinbefore mentioned;

THENCE south thirty-nine degrees and twenty-two minutes ( $39^{\circ} 22'$ ) east, parallel to the said face of wall and distant Three feet and Three



and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Eighty-eight feet and Ten inches ( $88' 10''$ ) to a point of curve;

THENCE ON a curve to the right having a radius of Seven hundred and forty-one feet and Four inches ( $741' 4''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, One hundred and twenty-two feet and Seven and three-quarters inches ( $122' 7\frac{3}{4}''$ ) to a point of compound curve;

THENCE ON a curve to the right having a radius of Five hundred and sixty feet and Eleven and a half inches ( $560' 11\frac{1}{2}''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Two hundred and forty-one feet and Two inches ( $241' 2''$ ) more or less to the point of commencement.





## SCHEDULE "B."

No. 14466. A BY-LAW

*To establish a standard of housing in the City of Toronto.*

[Passed February 10th, 1936.]

The Council of the Corporation of the City of Toronto enacts as follows:

## 1.

In this By-law,

## "Building"

shall mean a structure containing one or more dwelling units.

## "Corporation"

shall mean the Corporation of the City of Toronto.

## "Dwelling Unit"

shall mean any room or set of rooms used for human habitation.

## "Inspector"

shall mean the person or persons from time to time designated by the Corporation to enforce the provisions of this by-law.

## "Owner"

shall include the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such lands and premises were let.

## "Premises"

shall include a building as defined herein and any lands, fences, sheds, outhouses and garages appurtenant thereto.

## "Room"

shall mean any room commonly used for living purposes, including a bedroom and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom, or any room having a floor space of less than 50 square feet.

## II.

(1) No person shall use or occupy for human habitation or being the owner thereof or his agent shall allow to be used or occupied for human habitation any dwelling unit in any building unless such dwelling unit and building and the premises conform to the satisfaction of the Inspector to certain regulations, as follows:

1. The building, including foundation walls and all fences, sheds, outhouses and garages, shall be in good repair.

2. The cellar of any building shall be drained and ventilated.

3. The interior side of exterior walls, and the ceilings and both sides of interior walls and partitions, of the portions of any building, which are used or intended to be used for or in connection with human habitation, shall be lathed and plastered or covered with other adequate material to the satisfaction of the Inspector.

4. All buildings and dwelling units shall be weatherproof and capable of being adequately heated with a reasonable consumption of fuel, and the



heating equipment (if any) in any building or dwelling unit shall be in working order and in good repair.

5. The floors and walls of any building or dwelling unit shall be free from dampness.

6. There shall be suitable walks leading from the entrance or entrances of any building to the street.

7. The premises shall be kept clean and free from rubbish or other debris.

8. Every room shall contain a window, or windows, opening directly to the outside air, and the total area of such window or windows shall be not less than 10 per centum of the floor area of such room. All window sash shall be glazed and provided with suitable hardware, and shall be made to open to the extent of not less than 5 per centum of the floor area of such room.

9. There shall be no human habitation of any building on any floor which is more than four feet below the finished grade of the land adjoining the building.

10. No part of any building except a room as defined in Section 1. hereof shall be used for sleeping purposes.

11. No room used for sleeping purposes shall be occupied by more than one person for each 50 square feet of the floor area thereof nor in any case by more than three persons, provided that the total occupancy of any dwelling unit having more than one room shall not exceed one and one-half persons per room.

12. No greater number of persons shall occupy for sleeping purposes any dwelling unit than will permit the proper segregation of the sexes over 10 years of age in separate rooms.

13. There shall be a water service with sink and drain within every building and in any dwelling unit containing two or more rooms.

14. There shall be one water closet with access from within any building for every 10 persons or less occupying such building.

15. Where more than two persons occupy any dwelling unit, the preparation and cooking of food shall not take place in any room used for sleeping purposes.

16. There shall be a suitable and convenient receptacle of not less than 4 cubic feet capacity for the storage of food in any dwelling unit used for housekeeping purposes.

17. There shall be a convenient and proper place or receptacle for the storage of fuel in or about any building and in or about any dwelling unit that is independently heated.

18. There shall be for each dwelling unit, a separate access either to a hallway, landing, staircase or the street.

(2) For the purposes of this section in ascertaining the number of persons occupying any room

1. Children under one year of age shall not be counted.

2. Children from one to ten years of age shall be deemed to be one-half a person.

3. A person over ten years of age shall be deemed to be one person.





## III.

When any dwelling unit, building or premises are not in conformity with the standard set forth in Section II. of this By-law, the Inspector may notify the owner or his agent by registered letter specifying wherein the said dwelling unit, building or premises are defective and the owner or his agent shall then, at his own expense, within two months, make the same comply with the provisions of this By-law or demolish any defective building or structure on the said premises.

## IV.

If any owner is financially unable to remedy the said defects so as to make his dwelling unit, building or premises comply with the notice referred to in Section III. of this By-law, the Corporation, upon application made to it for that purpose and upon a favourable report of the Inspector, may advance to the said owner the money required for the said purpose, the total amount of which, exclusive of interest, shall not exceed the sum of \$50.00 for each room in the building and any additional amount of money which the Corporation may advance for necessary plumbing and heating.

## V.

All money advanced by the Corporation as provided in Section IV. shall be paid to the Corporation with interest at a rate not exceeding 5 per centum per annum upon the amount of same remaining unpaid from time to time, in equal successive annual payments extending over a period not exceeding ten years, and such annual payments shall be added by the Clerk of the municipality to the Collector's Roll and collected in like manner as municipal taxes. All actions, proceedings or remedies available to a municipality in case of non-payment of land taxes including distress and sale of the lands shall be available to the municipality in the event of non-payment of any of the said annual amounts.

## VI.

If any owner or his agent refuses or neglects to remedy the defects in the said dwelling unit, building or premises or demolish any defective building or structure on the said premises as required by Section III. of this By-law and within the time stated therein, then the Inspector may forthwith prohibit the further use of the said building and premises or any portion thereof, and may also with or without the consent of the owner or his agent, demolish any defective building or structure thereon and for any of the said purposes shall have the right to enter upon the building or premises of such owner or an adjoining owner from time to time as may be necessary and the owner or such adjoining owner shall not be entitled to any compensation for anything done by the Corporation. All costs or expenses incurred by the Inspector or Corporation under the provisions of this section, including necessary repairs to an adjoining property shall be borne by the owner and shall become a lien upon his lands and the said costs or expenses may be collected in like manner as municipal taxes and the payment thereof enforced to the same extent and in like manner as the amounts which the municipality is authorized to advance pursuant to Sections IV. and V. of this By-law. The certificate of the Inspector shall be final and conclusive as to the amount of such costs and expenses.

## VII.

Any person convicted of a breach of any provision of this By-law shall forfeit and pay at the discretion of the convicting magistrate a penalty, not exceeding (exclusive of costs) the sum of \$50.00 for each offence.



## VIII.

The imposition of a penalty under Section VII. of this By-law shall not prevent the taking of any other proceeding or remedy against the same or any other person under this By-law nor shall the taking of any such proceeding or remedy be a bar to a prosecution under the said Section.

## IX.

The provisions of this By-law shall be enforceable in the same manner as a by-law passed under the authority of The Municipal Act.

## X.

This By-law shall take effect upon, from and after being validated by an Act passed by the Legislature of the Province of Ontario.

SAMUEL McBRIDE,  
*Mayor,*

J. W. SOMERS,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, February 10th, 1936.  
(L.S.)









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BILL.

An Act respecting the City of Toronto.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. KIRBY

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*(Private Bill)*

No. 4

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of Toronto.

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MR. KIRBY

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4

1936

# BILL

## An Act respecting the City of Toronto.

Preamble.

**W**HEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Toronto Act, 1936*.

Confirmation of tax sales and conveyances.

2.—(1) All sales of land within the City of Toronto made prior to the 31st day of December, 1934, and purporting to have been made by the corporation of the city of Toronto or its treasurer for arrears of taxes in respect to the land so sold are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser or his heirs or assigns, and his or their heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon and dower therein, excepting taxes accruing after those for non-payment of which the land was sold.

Exception as to pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

1930, c. 105, s. 7, subs. 2, re-enacted.

3. Subsection 2 of section 7 of *The City of Toronto Act, 1930*, is repealed and the following substituted therefor:





- (2) No further investment in the capital stock of Gray Coach Lines, Limited, shall be made by the Toronto Transportation Commission, nor shall the capitalization of the said company hereafter be increased, unless and until the consent of the council of the corporation of the city of Toronto is first obtained thereto.

1935,  
c. 96, s. 5,  
amended.

4. Section 5 of *The City of Toronto Act, 1935*, is amended by striking out the words "until the 24th day of July, 1936" in the sixth and seventh lines thereof.

Conveyance  
of viaduct  
lands to  
railway.

1886, c. 66.

5. Notwithstanding anything to the contrary in any Act contained, and notwithstanding that portions of the lands described in Schedule "A" hereto have heretofore been laid out to form part of a public esplanade or highway under the authority of the Act 49 Victoria, chapter 66, and amending Acts, the said lands described in Schedule "A" hereto are hereby declared to have been set apart for railway companies and to form part of the reservation for railway purposes as provided for in the said Acts.

Interpre-  
tation.

6.—(1) In this section,

"Dwelling."

(a) "Dwelling" shall mean and include any building the whole or any portion of which is used or intended for use for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein;

"Inspector."

(b) "Inspector" shall mean the person or persons from time to time designated by the council of said corporation to enforce the provisions of a by-law passed under this section;

"Owner."

(c) "Owner" shall include the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

Authority  
to pass  
by-laws  
as to  
dwelling  
standards.

(2) The council of the said corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make same conform to such standard, for prohibiting the use of dwellings which do not conform to such standard, for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors for the enforcement of the by-law.



Loans for  
repairs to  
dwellings.

(3) Where the owner of any dwelling is unable to pay the expenses of making same conform to the standard required by the by-law, the corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses, and the council of the said corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

Lien for  
loans made.

(4) When the corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect to which such advance was made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed five per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal taxes on said dwelling.

Certificate  
of lien for  
registration.

(5) A certificate of the clerk of the municipality setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proper proof by affidavit of the signature of the said clerk, and upon repayment in full to the corporation of the said amount and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to such advance and interest thereon and from the lien arising therefrom.

Power of  
corporation  
to make  
repairs.

(6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection, and for any amount expended by or on behalf of the corpora-





tion under the authority of this subsection the corporation shall have a lien upon the dwelling in respect to which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

Enforce-  
ment.

(7) A by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*.

Rev. Stat.,  
c. 233.

By-law  
No. 14466  
confirmed.

(8) By-law No. 14466 passed by the council of said corporation, as set forth in Schedule "B" hereto, is hereby ratified and confirmed and shall be deemed to have been passed under the authority of this section.



Notice to  
mortgagees.

(9) Before proceeding under subsections 3 or 6 hereof or sections IV or VI of said by-law number 14466, the corporation shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of the said subsections 3 and 6 and sections IV and VI of the said by-law shall apply.



Issue of  
debentures  
for dwelling  
repair  
loans.

7.—(1) It shall not be necessary for the council of said corporation to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 6 or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

Term of  
debentures.

(2) Debentures issued under the provisions of any such by-law shall be payable within such period not exceeding ten years and shall bear interest at such rate as the council of the said corporation shall in said by-law determine and the principal and interest thereof shall be made payable in any manner authorized by *The Municipal Act*.

Validity of  
debentures.


(3) All debentures issued under the authority of this Act shall be legal, valid and binding upon the said corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of such debentures or in any by-law authorizing the issue thereof.



Guarantee of  
debentures.

8. It is hereby declared that the guarantee by the said corporation of debentures of the Toronto Harbour Commissioners, which guarantee is authorized by subsection 2 of section 4 of *An Act respecting the city of Toronto* passed in the first year of the reign of His late Majesty, King George



the Fifth, chapter 119, as amended by section 59 of *The Statute Law Amendment Act, 1913*, may be, and always may have been, in the form set out in Schedule "C" to this Act or to the like effect. 

Commence-  
ment of Act.

**9.** This Act, other than section 2, shall come into force on the day upon which it receives the Royal Assent. Section 2 shall come into force on the 1st day of July, 1936.



## SCHEDULE "A."

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of a part of the Esplanade or Highway on the western side of the Don Channel, shewn on the Don Improvement Plan approved by By-laws Numbers 4160 and 4220 of the Municipal Corporation of the City of Toronto, which said plan is now on record in the Registry Office for the Registry Division of Toronto, and part of Front Street as shewn on Registered Plan 108 and which said lands are more particularly described in two parcels as follows:

PREMISING that all bearings herein are astronomic and are referred to the meridian through Front and Yonge Streets, Toronto;

PARCEL "A" containing by admeasurement twenty-eight thousand and thirty-nine square feet (28,039 square feet) be the same more or less; the boundaries of said Parcel "A" being described as follows:

COMMENCING at a point in the production easterly of the northerly limit of that part of Eastern Avenue lying immediately to the west of the said Esplanade or Highway (commonly known as the Don Esplanade) distant forty-three feet and two and three-quarters inches ( $43' 2\frac{3}{4}''$ ) measured easterly thereon from the westerly limit of the said Don Esplanade;

THENCE north seventy-two degrees and forty minutes ( $72^{\circ} 40'$ ) east still along the said production of the northerly limit of Eastern Avenue, Thirty-eight feet and Six and a half inches ( $38' 6\frac{1}{2}''$ ), more or less, to the easterly limit of the westerly Seventy-six feet ( $76'$ ) of the said Don Esplanade;

THENCE north twenty-two degrees and sixteen minutes ( $22^{\circ} 16'$ ) west, Ninety feet and Two and a half inches ( $90' 2\frac{1}{2}''$ ) to the easterly limit of the westerly One hundred and two feet ( $102'$ ) of the said Don Esplanade;

THENCE north thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) west, along the last-mentioned limit, Seven Hundred and thirteen feet ( $713'$ ) to the easterly limit of the right of way lands of the Canadian Pacific Railway Company leased to, or the use of which was otherwise assured to the said Canadian Pacific Railway Company by the said Corporation of the City of Toronto in conformity with an agreement between the said Corporation of the City of Toronto and the said Canadian Pacific Railway Company dated 2nd August, 1890;

THENCE southerly along the said easterly limit of right of way lands of the Canadian Pacific Railway Company, being along a curve to the right having a radius of Thirteen hundred and eight feet ( $1,308'$ ), to which curve the said easterly limit of the westerly One hundred and two feet ( $102'$ ) of the Don Esplanade is tangent, Three hundred and seventy feet and Three and a half inches ( $370' 3\frac{1}{2}''$ ), more or less, to the easterly limit of the westerly Fifty feet ( $50'$ ) of the said Don Esplanade;

THENCE southerly thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) east along the last-mentioned limit, Three hundred and thirty feet and Three inches ( $330' 3''$ );

THENCE south thirty-two degrees and forty-eight minutes ( $32^{\circ} 48'$ ) east, Ninety feet ( $90'$ ), more or less, to the point of commencement.

PARCEL "B" containing by admeasurement Thirty-eight thousand three hundred and fifty square feet (38,350 sq. ft.) be the same more or less; the boundaries of said Parcel "B" being described as follows:





COMMENCING at a point in the westerly limit of the said Don Esplanade distant Eighty-one feet and Nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ) more or less, measured southerly thereon from the southerly limit of Front Street East, the said point being at the intersection of the said westerly limit of the Don Esplanade with a line drawn parallel to and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure standing in 1934 partly upon said Parcel "B";

THENCE north thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) west, along the said westerly limit of Don Esplanade, Eighty-one feet and nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ), more or less, to the said southerly limit of Front Street East;

THENCE south seventy-two degrees and eighteen minutes ( $72^{\circ} 18'$ ) west, along the said southerly limit of Front Street East, Twenty-eight feet and One and a half inches ( $28' 1\frac{1}{2}''$ );

THENCE north fifteen degrees and forty-two minutes ( $15^{\circ} 42'$ ) west, sixty-six feet and half an inch ( $66' 0\frac{1}{2}''$ ) to the intersection of the northerly limit of Front Street East with the said westerly limit of the Don Esplanade;

THENCE north twenty-four degrees and fifty-three minutes ( $24^{\circ} 53'$ ) west, Seventy feet and Nine and a half inches ( $70' 9\frac{1}{2}''$ );

THENCE north thirty-one degrees and twenty minutes ( $31^{\circ} 20'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and forty-seven minutes ( $34^{\circ} 47'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-seven minutes ( $37^{\circ} 27'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and thirty-four minutes ( $39^{\circ} 34'$ ) west, Fifty feet ( $50'$ );

THENCE north forty degrees and nineteen minutes ( $40^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and nineteen minutes ( $39^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-six minutes ( $37^{\circ} 26'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and twenty-eight minutes ( $34^{\circ} 28'$ ) west, Forty-eight feet ( $48'$ );

THENCE north seventy-five degrees and forty-eight minutes ( $75^{\circ} 48'$ ) east, Forty-seven feet and eleven inches ( $47' 11''$ ) more or less to the easterly limit of the westerly Seventy-six feet ( $76'$ ) of the said Don Esplanade;

THENCE south sixty degrees and twenty-four minutes ( $60^{\circ} 24'$ ) east, Sixty feet and ten inches ( $60' 10''$ );

THENCE south forty degrees and thirty-one minutes ( $40^{\circ} 31'$ ) east, One hundred and eight feet and Two and one-quarter inches ( $108' 2\frac{1}{4}''$ );

THENCE south fifty degrees and thirty-eight minutes ( $50^{\circ} 38'$ ) west, Three feet and Eleven and a half inches ( $3' 11\frac{1}{2}''$ ) more or less to a point distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure hereinbefore mentioned;

THENCE south thirty-nine degrees and twenty-two minutes ( $39^{\circ} 22'$ ) east, parallel to the said face of wall and distant Three feet and Three



and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Eighty-eight feet and Ten inches ( $88' 10''$ ) to a point of curve;

THENCE on a curve to the right having a radius of Seven hundred and forty-one feet and Four inches ( $741' 4''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, One hundred and twenty-two feet and Seven and three-quarters inches ( $122' 7\frac{3}{4}''$ ) to a point of compound curve;

THENCE on a curve to the right having a radius of Five hundred and sixty feet and Eleven and a half inches ( $560' 11\frac{1}{2}''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Two hundred and forty-one feet and Two inches ( $241' 2''$ ) more or less to the point of commencement.





## SCHEDULE "B."

No. 14466. A BY-LAW

*To establish a standard of housing in the City of Toronto.*

[Passed February 10th, 1936.]

The Council of the Corporation of the City of Toronto enacts as follows:

## I.

In this By-law,

- "Building"  
shall mean a structure containing one or more dwelling units.
- "Corporation"  
shall mean the Corporation of the City of Toronto.
- "Dwelling Unit"  
shall mean any room or set of rooms used for human habitation.
- "Inspector"  
shall mean the person or persons from time to time designated by the Corporation to enforce the provisions of this by-law.
- "Owner"  
shall include the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such lands and premises were let.
- "Premises"  
shall include a building as defined herein and any lands, fences, sheds, outhouses and garages appurtenant thereto.
- "Room"  
shall mean any room commonly used for living purposes, including a bedroom and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom, or any room having a floor space of less than 50 square feet.

## II.

(1) No person shall use or occupy for human habitation or being the owner thereof or his agent shall allow to be used or occupied for human habitation any dwelling unit in any building unless such dwelling unit and building and the premises conform to the satisfaction of the Inspector to certain regulations, as follows:

1. The building, including foundation walls and all fences, sheds, outhouses and garages, shall be in good repair.
2. The cellar of any building shall be drained and ventilated.
3. The interior side of exterior walls, and the ceilings and both sides of interior walls and partitions, of the portions of any building, which are used or intended to be used for or in connection with human habitation, shall be lathed and plastered or covered with other adequate material to the satisfaction of the Inspector.
4. All buildings and dwelling units shall be weatherproof and capable of being adequately heated with a reasonable consumption of fuel, and the



heating equipment (if any) in any building or dwelling unit shall be in working order and in good repair.

5. The floors and walls of any building or dwelling unit shall be free from dampness.

6. There shall be suitable walks leading from the entrance or entrances of any building to the street.

7. The premises shall be kept clean and free from rubbish or other debris.

8. Every room shall contain a window, or windows, opening directly to the outside air, and the total area of such window or windows shall be not less than 10 per centum of the floor area of such room. All window sash shall be glazed and provided with suitable hardware, and shall be made to open to the extent of not less than 5 per centum of the floor area of such room.

9. There shall be no human habitation of any building on any floor which is more than four feet below the finished grade of the land adjoining the building.

10. No part of any building except a room as defined in Section I. hereof shall be used for sleeping purposes.

11. No room used for sleeping purposes shall be occupied by more than one person for each 50 square feet of the floor area thereof nor in any case by more than three persons, provided that the total occupancy of any dwelling unit having more than one room shall not exceed one and one-half persons per room.

12. No greater number of persons shall occupy for sleeping purposes any dwelling unit than will permit the proper segregation of the sexes over 10 years of age in separate rooms.

13. There shall be a water service with sink and drain within every building and in any dwelling unit containing two or more rooms.

14. There shall be one water closet with access from within any building for every 10 persons or less occupying such building.

15. Where more than two persons occupy any dwelling unit, the preparation and cooking of food shall not take place in any room used for sleeping purposes.

16. There shall be a suitable and convenient receptacle of not less than 4 cubic feet capacity for the storage of food in any dwelling unit used for housekeeping purposes.

17. There shall be a convenient and proper place or receptacle for the storage of fuel in or about any building and in or about any dwelling unit that is independently heated.

18. There shall be for each dwelling unit, a separate access either to a hallway, landing, staircase or the street.

(2) For the purposes of this section in ascertaining the number of persons occupying any room

1. Children under one year of age shall not be counted.

2. Children from one to ten years of age shall be deemed to be one-half a person.

3. A person over ten years of age shall be deemed to be one person.



## III.

When any dwelling unit, building or premises are not in conformity with the standard set forth in Section II. of this By-law, the Inspector may notify the owner or his agent by registered letter specifying wherein the said dwelling unit, building or premises are defective and the owner or his agent shall then, at his own expense, within two months, make the same comply with the provisions of this By-law or demolish any defective building or structure on the said premises.

## IV.

If any owner is financially unable to remedy the said defects so as to make his dwelling unit, building or premises comply with the notice referred to in Section III. of this By-law, the Corporation, upon application made to it for that purpose and upon a favourable report of the Inspector, may advance to the said owner the money required for the said purpose, the total amount of which, exclusive of interest, shall not exceed the sum of \$50.00 for each room in the building and any additional amount of money which the Corporation may advance for necessary plumbing and heating.

## V.

All money advanced by the Corporation as provided in Section IV. shall be paid to the Corporation with interest at a rate not exceeding 5 per centum per annum upon the amount of same remaining unpaid from time to time, in equal successive annual payments extending over a period not exceeding ten years, and such annual payments shall be added by the Clerk of the municipality to the Collector's Roll and collected in like manner as municipal taxes. All actions, proceedings or remedies available to a municipality in case of non-payment of land taxes including distress and sale of the lands shall be available to the municipality in the event of non-payment of any of the said annual amounts.

## VI.

If any owner or his agent refuses or neglects to remedy the defects in the said dwelling unit, building or premises or demolish any defective building or structure on the said premises as required by Section III. of this By-law and within the time stated therein, then the Inspector may forthwith prohibit the further use of the said building and premises or any portion thereof, and may also with or without the consent of the owner or his agent, demolish any defective building or structure thereon and for any of the said purposes shall have the right to enter upon the building or premises of such owner or an adjoining owner from time to time as may be necessary and the owner or such adjoining owner shall not be entitled to any compensation for anything done by the Corporation. All costs or expenses incurred by the Inspector or Corporation under the provisions of this section, including necessary repairs to an adjoining property shall be borne by the owner and shall become a lien upon his lands and the said costs or expenses may be collected in like manner as municipal taxes and the payment thereof enforced to the same extent and in like manner as the amounts which the municipality is authorized to advance pursuant to Sections IV. and V. of this By-law. The certificate of the Inspector shall be final and conclusive as to the amount of such costs and expenses.

## VII.

Any person convicted of a breach of any provision of this By-law shall forfeit and pay at the discretion of the convicting magistrate a penalty, not exceeding (exclusive of costs) the sum of \$50.00 for each offence.





## VIII.

The imposition of a penalty under Section VII. of this By-law shall not prevent the taking of any other proceeding or remedy against the same or any other person under this By-law nor shall the taking of any such proceeding or remedy be a bar to a prosecution under the said Section.

## IX.

The provisions of this By-law shall be enforceable in the same manner as a by-law passed under the authority of The Municipal Act.

## X.

This By-law shall take effect upon, from and after being validated by an Act passed by the Legislature of the Province of Ontario.

SAMUEL McBRIDE,  
*Mayor.*

J. W. SOMERS,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, February 10th, 1936.  
(L.S.)



## SCHEDULE "C"

The Corporation of the City of Toronto, hereinafter called the "Corporation," hereby guarantees to the bearer, or in the event of this debenture being registered then to the registered holder for the time being of the within debenture, the punctual payment by the within named, the Toronto Harbour Commissioners, of all principal moneys and interest as the same shall become due under the said debenture, and declares that this guarantee is absolute and unconditional, and that accordingly, as between the said Corporation and the bearer of the within debenture, or in the event of this debenture being registered, the registered holder for the time being of this debenture, the Corporation shall not be released by time being given by the bearer of the said debenture, or in the event of this debenture being registered by the registered holder of the within debenture, to the within named, the Toronto Harbour Commissioners, nor by any other matter or thing whatever whereby the Corporation, as surety only, would or might have been released, and to faithful performance of this obligation the faith, credit and property of the Corporation is hereby pledged.

In witness whereof the said Corporation has caused this guarantee to be sealed with its seal and signed by its Mayor and Treasurer or Deputy Treasurer, this                      day of                      , 193                      .











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## BILL

An Act respecting the City of Toronto.

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*1st Reading*

February 18th, 1936

*2nd Reading*

*3rd Reading*

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MR. KIRBY

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*(Reprinted as amended by the Committee  
on Private Bills.)*

No. 4

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of Toronto.

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MR. KIRBY

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the City of Toronto.

### Preamble.

**W**HEREAS the corporation of the city of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The City of Toronto Act, 1936*.

### Confirmation of tax sales and conveyances.

**2.**—(1) All sales of land within the City of Toronto made prior to the 31st day of December, 1934, and purporting to have been made by the corporation of the city of Toronto or its treasurer for arrears of taxes in respect to the land so sold are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser or his heirs or assigns, and his or their heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon and dower therein, excepting taxes accruing after those for non-payment of which the land was sold.

### Exception as to pending litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

1930, c. 105,  
s. 7, subs. 2,  
re-enacted.

**3.** Subsection 2 of section 7 of *The City of Toronto Act, 1930*, is repealed and the following substituted therefor:

- (2) No further investment in the capital stock of Gray Coach Lines, Limited, shall be made by the Toronto Transportation Commission, nor shall the capitalization of the said company hereafter be increased, unless and until the consent of the council of the corporation of the city of Toronto is first obtained thereto.

4. Section 5 of *The City of Toronto Act, 1935*, is amended <sup>1935, c. 96, s. 5, amended.</sup> by striking out the words "until the 24th day of July, 1936" in the sixth and seventh lines thereof.

5. Notwithstanding anything to the contrary in any Act contained, and notwithstanding that portions of the lands described in Schedule "A" hereto have heretofore been laid out to form part of a public esplanade or highway under the authority of the Act 49 Victoria, chapter 66, and amending Acts, the said lands described in Schedule "A" hereto are hereby declared to have been set apart for railway companies and to form part of the reservation for railway purposes as provided for in the said Acts. <sup>Conveyance of viaduct lands to railway. 1886, c. 66.</sup>

6.—(1) In this section,

<sup>Interpretation.</sup>

- (a) "Dwelling" shall mean and include any building the whole or any portion of which is used or intended for use for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein; <sup>"Dwelling."</sup>
- (b) "Inspector" shall mean the person or persons from time to time designated by the council of said corporation to enforce the provisions of a by-law passed under this section; <sup>"Inspector."</sup>
- (c) "Owner" shall include the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let. <sup>"Owner."</sup>

(2) The council of the said corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make same conform to such standard, for prohibiting the use of dwellings which do not conform to such standard, for governing and regulating persons in the use and occupancy of dwellings and for appointing inspectors for the enforcement of the by-law. <sup>Authority to pass by-laws as to dwelling standards.</sup>



Loans for  
repairs to  
dwellings.

(3) Where the owner of any dwelling is unable to pay the expenses of making same conform to the standard required by the by-law, the corporation may advance money to or for the benefit of such owner to the extent necessary to pay such expenses, and the council of the said corporation may from time to time pass by-laws for the issue of debentures to raise money to be so advanced.

Lien for  
loans made.

(4) When the corporation has advanced money as provided in subsection 3 it shall have a lien upon the dwelling in respect to which such advance was made for the amount of such advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed five per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal taxes on said dwelling.

Certificate  
of lien for  
registration.

(5) A certificate of the clerk of the municipality setting out the amount advanced to or for the benefit of any owner under the provisions of subsection 3 and the rate of interest thereon, together with a description of the dwelling in respect to which the amount was advanced sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proper proof by affidavit of the signature of the said clerk, and upon repayment in full to the corporation of the said amount and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect to such advance and interest thereon and from the lien arising therefrom.

Power of  
corporation  
to make  
repairs.

(6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection, and for any amount expended by or on behalf of the corpora-



tion under the authority of this subsection the corporation shall have a lien upon the dwelling in respect to which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

(7) A by-law passed under the authority of this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*.

Enforce-  
ment.

Rev. Stat.,  
c. 233.

(8) By-law No. 14466 passed by the council of said corporation, as set forth in Schedule "B" hereto, is hereby ratified and confirmed and shall be deemed to have been passed under the authority of this section.

By-law  
No. 14466  
confirmed.

(9) Before proceeding under subsections 3 or 6 hereof or sections IV or VI of said by-law number 14466, the corporation shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of the said subsections 3 and 6 and sections IV and VI of the said by-law shall apply.

Notice to  
mortgagees.

7.—(1) It shall not be necessary for the council of said corporation to obtain the assent of the electors qualified to vote on money by-laws to the passing of any by-law authorizing the issue of debentures as set out in subsection 3 of section 6 or to observe in respect thereto the formalities prescribed by *The Municipal Act* in respect to the passing of money by-laws.

Issue of  
debentures  
for dwelling  
repair  
loans.

(2) Debentures issued under the provisions of any such by-law shall be payable within such period not exceeding ten years and shall bear interest at such rate as the council of the said corporation shall in said by-law determine and the principal and interest thereof shall be made payable in any manner authorized by *The Municipal Act*.

Term of  
debentures.

(3) All debentures issued under the authority of this Act shall be legal, valid and binding upon the said corporation and the ratepayers thereof respectively notwithstanding any irregularity in the form of such debentures or in any by-law authorizing the issue thereof.

Validity of  
debentures.

8. It is hereby declared that the guarantee by the said corporation of debentures of the Toronto Harbour Commissioners, which guarantee is authorized by subsection 2 of section 4 of *An Act respecting the city of Toronto* passed in the first year of the reign of His late Majesty, King George

Guarantee of  
debentures.

the Fifth, chapter 119, as amended by section 59 of *The Statute Law Amendment Act, 1913*, may be, and always may have been, in the form set out in Schedule "C" to this Act or to the like effect.

Commence-  
ment of Act.

**9.** This Act, other than section 2, shall come into force on the day upon which it receives the Royal Assent. Section 2 shall come into force on the 1st day of July, 1936.

## SCHEDULE "A."

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Toronto, in the County of York, being composed of a part of the Esplanade or Highway on the western side of the Don Channel, shewn on the Don Improvement Plan approved by By-laws Numbers 4160 and 4220 of the Municipal Corporation of the City of Toronto, which said plan is now on record in the Registry Office for the Registry Division of Toronto, and part of Front Street as shewn on Registered Plan 108 and which said lands are more particularly described in two parcels as follows:

PREMISING that all bearings herein are astronomic and are referred to the meridian through Front and Yonge Streets, Toronto;

PARCEL "A" containing by admeasurement twenty-eight thousand and thirty-nine square feet (28,039 square feet) be the same more or less; the boundaries of said Parcel "A" being described as follows:

COMMENCING at a point in the production easterly of the northerly limit of that part of Eastern Avenue lying immediately to the west of the said Esplanade or Highway (commonly known as the Don Esplanade) distant forty-three feet and two and three-quarters inches (43' 2¾") measured easterly thereon from the westerly limit of the said Don Esplanade;

THENCE north seventy-two degrees and forty minutes (72° 40') east still along the said production of the northerly limit of Eastern Avenue, Thirty-eight feet and Six and a half inches (38' 6½"), more or less, to the easterly limit of the westerly Seventy-six feet (76') of the said Don Esplanade;

THENCE north twenty-two degrees and sixteen minutes (22° 16') west, Ninety feet and Two and a half inches (90' 2½") to the easterly limit of the westerly One hundred and two feet (102') of the said Don Esplanade;

THENCE north thirty-nine degrees and four minutes (39° 04') west, along the last-mentioned limit, Seven Hundred and thirteen feet (713') to the easterly limit of the right of way lands of the Canadian Pacific Railway Company leased to, or the use of which was otherwise assured to the said Canadian Pacific Railway Company by the said Corporation of the City of Toronto in conformity with an agreement between the said Corporation of the City of Toronto and the said Canadian Pacific Railway Company dated 2nd August, 1890;

THENCE southerly along the said easterly limit of right of way lands of the Canadian Pacific Railway Company, being along a curve to the right having a radius of Thirteen hundred and eight feet (1,308'), to which curve the said easterly limit of the westerly One hundred and two feet (102') of the Don Esplanade is tangent, Three hundred and seventy feet and Three and a half inches (370' 3½"), more or less, to the easterly limit of the westerly Fifty feet (50') of the said Don Esplanade;

THENCE southerly thirty-nine degrees and four minutes (39° 04') east along the last-mentioned limit, Three hundred and thirty feet and Three inches (330' 3");

THENCE south thirty-two degrees and forty-eight minutes (32° 48') east, Ninety feet (90'), more or less, to the point of commencement.

PARCEL "B" containing by admeasurement Thirty-eight thousand three hundred and fifty square feet (38,350 sq. ft.) be the same more or less; the boundaries of said Parcel "B" being described as follows:



COMMENCING at a point in the westerly limit of the said Don Esplanade distant Eighty-one feet and Nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ) more or less, measured southerly thereon from the southerly limit of Front Street East, the said point being at the intersection of the said westerly limit of the Don Esplanade with a line drawn parallel to and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure standing in 1934 partly upon said Parcel "B";

THENCE north thirty-nine degrees and four minutes ( $39^{\circ} 04'$ ) west, along the said westerly limit of Don Esplanade, Eighty-one feet and nine and one-quarter inches ( $81' 9\frac{1}{4}''$ ), more or less, to the said southerly limit of Front Street East;

THENCE south seventy-two degrees and eighteen minutes ( $72^{\circ} 18'$ ) west, along the said southerly limit of Front Street East, Twenty-eight feet and One and a half inches ( $28' 1\frac{1}{2}''$ );

THENCE north fifteen degrees and forty-two minutes ( $15^{\circ} 42'$ ) west, sixty-six feet and half an inch ( $66' 0\frac{1}{2}''$ ) to the intersection of the northerly limit of Front Street East with the said westerly limit of the Don Esplanade;

THENCE north twenty-four degrees and fifty-three minutes ( $24^{\circ} 53'$ ) west, Seventy feet and Nine and a half inches ( $70' 9\frac{1}{2}''$ );

THENCE north thirty-one degrees and twenty minutes ( $31^{\circ} 20'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and forty-seven minutes ( $34^{\circ} 47'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-seven minutes ( $37^{\circ} 27'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and thirty-four minutes ( $39^{\circ} 34'$ ) west, Fifty feet ( $50'$ );

THENCE north forty degrees and nineteen minutes ( $40^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-nine degrees and nineteen minutes ( $39^{\circ} 19'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-seven degrees and twenty-six minutes ( $37^{\circ} 26'$ ) west, Fifty feet ( $50'$ );

THENCE north thirty-four degrees and twenty-eight minutes ( $34^{\circ} 28'$ ) west, Forty-eight feet ( $48'$ );

THENCE north seventy-five degrees and forty-eight minutes ( $75^{\circ} 48'$ ) east, Forty-seven feet and eleven inches ( $47' 11''$ ) more or less to the easterly limit of the westerly Seventy-six feet ( $76'$ ) of the said Don Esplanade;

THENCE south sixty degrees and twenty-four minutes ( $60^{\circ} 24'$ ) east, Sixty feet and ten inches ( $60' 10''$ );

THENCE south forty degrees and thirty-one minutes ( $40^{\circ} 31'$ ) east, One hundred and eight feet and Two and one-quarter inches ( $108' 2\frac{1}{4}''$ );

THENCE south fifty degrees and thirty-eight minutes ( $50^{\circ} 38'$ ) west, Three feet and Eleven and a half inches ( $3' 11\frac{1}{2}''$ ) more or less to a point distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly from the easterly face of the easterly wall of the concrete track structure hereinbefore mentioned;

THENCE south thirty-nine degrees and twenty-two minutes ( $39^{\circ} 22'$ ) east, parallel to the said face of wall and distant Three feet and Three

and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Eighty-eight feet and Ten inches ( $88' 10''$ ) to a point of curve;

THENCE on a curve to the right having a radius of Seven hundred and forty-one feet and Four inches ( $741' 4''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, One hundred and twenty-two feet and Seven and three-quarters inches ( $122' 7\frac{3}{4}''$ ) to a point of compound curve;

THENCE on a curve to the right having a radius of Five hundred and sixty feet and Eleven and a half inches ( $560' 11\frac{1}{2}''$ ) still parallel to the said face of wall and distant Three feet and Three and a half inches ( $3' 3\frac{1}{2}''$ ) easterly therefrom, Two hundred and forty-one feet and Two inches ( $241' 2''$ ) more or less to the point of commencement.



## SCHEDULE "B."

## No. 14466. A BY-LAW

*To establish a standard of housing in the City of Toronto.*

[Passed February 10th, 1936.]

The Council of the Corporation of the City of Toronto enacts as follows:

## I.

In this By-law,

"Building"

shall mean a structure containing one or more dwelling units.

"Corporation"

shall mean the Corporation of the City of Toronto.

"Dwelling Unit"

shall mean any room or set of rooms used for human habitation.

"Inspector"

shall mean the person or persons from time to time designated by the Corporation to enforce the provisions of this by-law.

"Owner"

shall include the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such lands and premises were let.

"Premises"

shall include a building as defined herein and any lands, fences, sheds, outhouses and garages appurtenant thereto.

"Room"

shall mean any room commonly used for living purposes, including a bedroom and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom, or any room having a floor space of less than 50 square feet.

## II.

(1) No person shall use or occupy for human habitation or being the owner thereof or his agent shall allow to be used or occupied for human habitation any dwelling unit in any building unless such dwelling unit and building and the premises conform to the satisfaction of the Inspector to certain regulations, as follows:

1. The building, including foundation walls and all fences, sheds, outhouses and garages, shall be in good repair.

2. The cellar of any building shall be drained and ventilated.

3. The interior side of exterior walls, and the ceilings and both sides of interior walls and partitions, of the portions of any building, which are used or intended to be used for or in connection with human habitation, shall be lathed and plastered or covered with other adequate material to the satisfaction of the Inspector.

4. All buildings and dwelling units shall be weatherproof and capable of being adequately heated with a reasonable consumption of fuel, and the

heating equipment (if any) in any building or dwelling unit shall be in working order and in good repair.

5. The floors and walls of any building or dwelling unit shall be free from dampness.

6. There shall be suitable walks leading from the entrance or entrances of any building to the street.

7. The premises shall be kept clean and free from rubbish or other debris.

8. Every room shall contain a window, or windows, opening directly to the outside air, and the total area of such window or windows shall be not less than 10 per centum of the floor area of such room. All window sash shall be glazed and provided with suitable hardware, and shall be made to open to the extent of not less than 5 per centum of the floor area of such room.

9. There shall be no human habitation of any building on any floor which is more than four feet below the finished grade of the land adjoining the building.

10. No part of any building except a room as defined in Section I. hereof shall be used for sleeping purposes.

11. No room used for sleeping purposes shall be occupied by more than one person for each 50 square feet of the floor area thereof nor in any case by more than three persons, provided that the total occupancy of any dwelling unit having more than one room shall not exceed one and one-half persons per room.

12. No greater number of persons shall occupy for sleeping purposes any dwelling unit than will permit the proper segregation of the sexes over 10 years of age in separate rooms.

13. There shall be a water service with sink and drain within every building and in any dwelling unit containing two or more rooms.

14. There shall be one water closet with access from within any building for every 10 persons or less occupying such building.

15. Where more than two persons occupy any dwelling unit, the preparation and cooking of food shall not take place in any room used for sleeping purposes.

16. There shall be a suitable and convenient receptacle of not less than 4 cubic feet capacity for the storage of food in any dwelling unit used for housekeeping purposes.

17. There shall be a convenient and proper place or receptacle for the storage of fuel in or about any building and in or about any dwelling unit that is independently heated.

18. There shall be for each dwelling unit, a separate access either to a hallway, landing, staircase or the street.

(2) For the purposes of this section in ascertaining the number of persons occupying any room

1. Children under one year of age shall not be counted.

2. Children from one to ten years of age shall be deemed to be one-half a person.

3. A person over ten years of age shall be deemed to be one person.

## III.

When any dwelling unit, building or premises are not in conformity with the standard set forth in Section II. of this By-law, the Inspector may notify the owner or his agent by registered letter specifying wherein the said dwelling unit, building or premises are defective and the owner or his agent shall then, at his own expense, within two months, make the same comply with the provisions of this By-law or demolish any defective building or structure on the said premises.

## IV.

If any owner is financially unable to remedy the said defects so as to make his dwelling unit, building or premises comply with the notice referred to in Section III. of this By-law, the Corporation, upon application made to it for that purpose and upon a favourable report of the Inspector, may advance to the said owner the money required for the said purpose, the total amount of which, exclusive of interest, shall not exceed the sum of \$50.00 for each room in the building and any additional amount of money which the Corporation may advance for necessary plumbing and heating.

## V.

All money advanced by the Corporation as provided in Section IV. shall be paid to the Corporation with interest at a rate not exceeding 5 per centum per annum upon the amount of same remaining unpaid from time to time, in equal successive annual payments extending over a period not exceeding ten years, and such annual payments shall be added by the Clerk of the municipality to the Collector's Roll and collected in like manner as municipal taxes. All actions, proceedings or remedies available to a municipality in case of non-payment of land taxes including distress and sale of the lands shall be available to the municipality in the event of non-payment of any of the said annual amounts.

## VI.

If any owner or his agent refuses or neglects to remedy the defects in the said dwelling unit, building or premises or demolish any defective building or structure on the said premises as required by Section III. of this By-law and within the time stated therein, then the Inspector may forthwith prohibit the further use of the said building and premises or any portion thereof, and may also with or without the consent of the owner or his agent, demolish any defective building or structure thereon and for any of the said purposes shall have the right to enter upon the building or premises of such owner or an adjoining owner from time to time as may be necessary and the owner or such adjoining owner shall not be entitled to any compensation for anything done by the Corporation. All costs or expenses incurred by the Inspector or Corporation under the provisions of this section, including necessary repairs to an adjoining property shall be borne by the owner and shall become a lien upon his lands and the said costs or expenses may be collected in like manner as municipal taxes and the payment thereof enforced to the same extent and in like manner as the amounts which the municipality is authorized to advance pursuant to Sections IV. and V. of this By-law. The certificate of the Inspector shall be final and conclusive as to the amount of such costs and expenses.

## VII.

Any person convicted of a breach of any provision of this By-law shall forfeit and pay at the discretion of the convicting magistrate a penalty, not exceeding (exclusive of costs) the sum of \$50.00 for each offence.



## VIII.

The imposition of a penalty under Section VII. of this By-law shall not prevent the taking of any other proceeding or remedy against the same or any other person under this By-law nor shall the taking of any such proceeding or remedy be a bar to a prosecution under the said Section.

## IX.

The provisions of this By-law shall be enforceable in the same manner as a by-law passed under the authority of The Municipal Act.

## X.

This By-law shall take effect upon, from and after being validated by an Act passed by the Legislature of the Province of Ontario.

SAMUEL McBRIDE,  
*Mayor*

J. W. SOMERS,  
*City Clerk.*

COUNCIL CHAMBER,  
Toronto, February 10th, 1936.  
(L.S.)

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SCHEDULE "C"

The Corporation of the City of Toronto, hereinafter called the "Corporation," hereby guarantees to the bearer, or in the event of this debenture being registered then to the registered holder for the time being of the within debenture, the punctual payment by the within named, the Toronto Harbour Commissioners, of all principal moneys and interest as the same shall become due under the said debenture, and declares that this guarantee is absolute and unconditional, and that accordingly, as between the said Corporation and the bearer of the within debenture, or in the event of this debenture being registered, the registered holder for the time being of this debenture, the Corporation shall not be released by time being given by the bearer of the said debenture, or in the event of this debenture being registered by the registered holder of the within debenture, to the within named, the Toronto Harbour Commissioners, nor by any other matter or thing whatever whereby the Corporation, as surety only, would or might have been released, and to faithful performance of this obligation the faith, credit and property of the Corporation is hereby pledged.

In witness whereof the said Corporation has caused this guarantee to be sealed with its seal and signed by its Mayor and Treasurer or Deputy Treasurer, this                      day of                      , 193                      .







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BILL

An Act respecting the City of Toronto.

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*1st Reading*

February 18th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

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MR. KIRBY

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Ladies Hairdressers

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MR. STRACHAN

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(PRIVATE BILL)

# BILL

## An Act respecting Ladies Hairdressers.

### Preamble.

**W**HEREAS the National Ladies Hairdressers Association has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Ladies Hairdressers Act, 1936.*

### Interpretation.

**2.** In this Act,—

#### "Board."

(a) "Board" shall mean the board appointed or elected under the provisions of this Act;

#### "Ladies hairdressing."

(b) "Ladies hairdressing" shall mean and include the dressing, curling, waving, permanently waving, cleansing, bleaching and other similar work of or upon the hair of any person, the cutting of the hair of women and children, the cutting of the hair of any person in connection with the fitting of a wig or toupee, and the use of mechanical appliances, cosmetics, preparations, antiseptics, tonics, lotions, creams or similar preparations or compounds for or in connection with the massaging, cleansing or beautifying of the scalp, head, face, neck, arms or bust of any person;

#### "Regulations."

(c) "Regulations" shall mean the regulations made under the authority of this Act.

### Board of Examiners.

**3.** The Lieutenant-Governor in Council shall within two months from the coming into force of this Act appoint a board consisting of three persons who have been actively engaged in the occupation of ladies hairdressing, at least seven years prior to their appointment, two of whom shall be master ladies hairdressers, and the other an assistant ladies hair-





dresser who shall hold office until the election of new members of the board. It shall be the duty of the board forthwith after appointment, to set up and to keep a register, subject to inspection, of all persons entitled to engage in the occupation of ladies hairdressing with the addresses of all such persons, and within six months to call a meeting of all such registered persons for the purpose of electing the board. The members of the first board shall be eligible for election.

Register.

**4.** There shall be entitled to register under the provisions of this Act:

- (a) Any person residing in Ontario, who for not less than six months prior to the passing of this Act, has engaged in, or been employed in the occupation of ladies hairdressing, provided that such a person has applied in writing for such registration to the board, not later than the 1st day of October, 1936, and has produced evidence satisfactory to the board, of having been so engaged or employed;
- (b) Any person who has passed the examinations prescribed by this Act.

Examinations.

**5.** The board shall, subject to the regulations, prescribe:

- (a) The subjects in which candidates for examination shall be examined;
- (b) Conduct examinations of such candidates and provide for and supervise the examination of such candidates.

Regulations.

**6.** The board may make regulations, subject to the approval of the Lieutenant-Governor in Council, prescribing:

- (a) The qualifications of persons entitled to enter examinations under this Act;
- (b) The fees to be paid upon registration under this Act;
- (c) The fees to be paid by candidates for examination under this Act;
- (d) Fixing the remuneration of the members of the board;
- (e) Fixing the salary to be paid to a secretary of the board, for minimum wages and regulating prices;
- (f) Providing for the holding of elections by the registered ladies hairdressers of the members of the board on each third Tuesday of February after the coming



into force of this Act, and designating the number of years, not exceeding three, that such elected members, or any of them, shall hold office;

- (g) Relating to the sanitation of all ladies hairdressing shops within the Province, and regulating the use of sanitary appliances and equipment in all such shops, and regulating training schools or colleges;
- (h) Administering the fees paid under the provisions of this Act;
- (i) For setting up or keeping posted the register provided under this Act;
- (j) For the suspension from the register of any persons disregarding the provisions of this Act or the regulations;
- (k) For the furnishing of certificates to registered ladies hairdressers and requiring such certificates to be displayed at the place of business of such ladies hairdressers;
- (l) Generally for the better carrying out of the provisions of this Act.

Quorum.

**7.** Any two members of the board shall form a quorum.

Audit.

**8.** The revenues and expenditures of the board shall be audited by a chartered accountant, and the fees, salary or other remuneration paid to the board or to its secretary, shall be paid out of the fees received under the provisions of this Act, and shall in all cases be subject to the approval of the Lieutenant-Governor in Council.

Penalty for engaging in hairdressing without being registered.

**9.** Every person who after six months from the coming into force of this Act, not being registered under the provisions of this Act, engages in the occupation of ladies hairdressing, or displays any sign or card, or device, or advertises, for the purpose of, or with the view of, indicating to the public that he is engaged in the occupation of ladies hairdressing, shall be guilty of an offence against this Act, and shall incur a penalty of not more than \$25, and of not less than \$25 and not more than \$100 for any subsequent offence.

Prohibition of premiums.

**10.** Any person engaged in the occupation of ladies hairdressing who directly or indirectly offers, gives or pays to any customer any premium, gift or other thing in consideration of the employment of such person or to induce anyone to employ such person, shall incur a penalty of not more



than \$25, and not less than \$25 and not more than \$100 for any subsequent offence.

Recovery of  
penalties.  
Rev. Stat.,  
c. 121.

**11.** Every penalty imposed by this Act or by the regulations, shall be recoverable under *The Summary Convictions Act*.

Non-  
application  
of Act.

**12.** Nothing in this Act or the regulations contained shall be construed to include, affect or apply to any person who carries on a barber or hairdressers shop for men and children only or to any person whose profession or occupation requires any act of hairdressing as incidental thereto, and nothing in this Act or the regulations contained shall be construed or deemed to authorize the use of X-ray for the purpose of ladies hairdressing.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting Ladies Hairdressers.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. STRACHAN

*(Private Bill)*

No. 6

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting The Incorporated Synod of the Diocese of Ottawa.

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MR. ACRES

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting The Incorporated Synod of the Diocese of Ottawa.

### Preamble.

**W**HEREAS The Incorporated Synod of the Diocese of Ottawa has by its petition represented that by deed dated the 27th day of July, 1888, and registered in the Registry Office for the registry division of the county of Stormont, the Rev. Jacob Jehoshaphat Salter Mountain of the town of Cornwall in the said county, Clerk in Holy Orders, conveyed to The Incorporated Synod of the Diocese of Ontario lot number 19 on the north side of First Street and lot number 19 on the south side of Second Street in the said town upon trust that the income derived from the lands be employed to endow in perpetuity a Mission Canonry for the then Diocese of Ontario, which trust devolved upon The Incorporated Synod of the Diocese of Ottawa upon the division of the said Diocese of Ontario, and that the income derived from the said lands is insufficient to pay taxes and other necessary outgoings connected with the property; and it is desirable that the said lands be sold and the proceeds of sale be held in trust as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

### Short title.

**1.** This Act may be cited as *The Synod of the Diocese of Ottawa Act, 1936.*

### Power of sale of lands in Cornwall.

**2.** The Incorporated Synod of the Diocese of Ottawa shall have full power to sell the said lot number 19 on the north side of First Street and lot number 19 on the south side of Second Street in the said town of Cornwall, or any portion or portions thereof, either by public auction or private sale, and in such parcels, and for such sum or sums and upon such terms as may to it seem reasonable, and to execute and deliver a conveyance or conveyances thereof to the purchaser or purchasers, and to receive the purchase money thereof.



Applicaton  
of proceeds  
of sale.

**3.** The moneys realized by such sale or sales shall be applied, invested and held in trust by the said corporation in a fund to be known as "The Mountain Memorial Canonry" and the income derived from such fund shall be applied annually in or towards payment of the stipend of a canon of the Cathedral Church of the Diocese.

Purchaser  
not bound  
as to  
application  
of moneys.

**4.** The purchaser or purchasers of the said lands or any part thereof shall not be bound to see to the application of the purchase money.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting The Incorporated  
Synod of the Diocese of Ottawa.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ACRES

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting The Incorporated Synod of the Diocese of Ottawa.

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MR. ACRES

---

# BILL

## An Act respecting The Incorporated Synod of the Diocese of Ottawa.

Preamble.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

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3. The moneys realized by such sale or sales shall be applied, invested and held in trust by the said corporation in a fund to be known as "The Mountain Memorial Canonry" and the income derived from such fund shall be applied annually in or towards payment of the stipend of a canon of the Cathedral Church of the Diocese.

Application  
of proceeds  
of sale.

4. The purchaser or purchasers of the said lands or any part thereof shall not be bound to see to the application of the purchase money.

Purchaser  
not bound  
as to  
application  
of moneys.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.



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BILL

An Act respecting The Incorporated  
Synod of the Diocese of Ottawa.

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*1st Reading*

February 18th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

---

MR. ACRES

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No. 7

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Niagara Falls Building, Savings and Loan  
Association.

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MR. HOUCK

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1936

# BILL

An Act respecting the Niagara Falls Building,  
Savings and Loan Association.

Preamble.

Rev. Stat.,  
c. 223.

**W**HEREAS the Niagara Falls Building, Savings and Loan Association, hereinafter called the association, has by its petition represented that it was incorporated by a declaration filed on the 5th day of March, 1894, under the provisions of *The Building Societies Act*, being chapter 169 of the Revised Statutes of Ontario, 1887, as amended by chapter 31 of the Statutes of Ontario, 1893, and that the said association has since the date of its incorporation carried on the purposes for which it was incorporated, and that it is presently registered as a loan corporation having terminating stock under the provisions of *The Loan and Trust Corporations Act*, and has prayed that it may be reincorporated as a loan corporation having permanent stock under the name of "Niagara Falls Loan and Savings Company" with the power to transact a loaning business under the provisions of *The Loan and Trust Corporations Act*; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Niagara Falls Loan and Savings Company Act, 1936*.

"Mortgaged  
shares."

2. In this Act, the term "mortgaged shares" means shares subscribed by members of the association in respect of which advances have been made by the association collaterally secured by mortgages of real estate.

Incorporation.

3. The members of the association holding shares other than mortgaged shares of the association together with such other persons as may hereafter become shareholders in the company hereby incorporated shall be and are hereby constituted a corporation under the name of "Niagara Falls Loan and Savings Company," hereinafter called the company.

Capital  
stock.

4. The authorized capital stock of the company shall be one million dollars which shall be divided into one hundred





thousand permanent shares of the par value of ten dollars each; provided that at any time subsequent to the issue of such shares the company may by by-law change the division of the said capital stock into twenty thousand shares of the par value of fifty dollars each or into ten thousand shares of the par value of one hundred dollars each.

First  
directors.

5. The present board of directors of the association shall constitute the first board of directors of the company and they shall continue to hold office until the first general meeting of the shareholders of the company is held.

Vesting of  
assets of  
former  
association.

6. All the assets, property, real and personal, cash on hand and in bank, mortgages, agreements of sale, rights, claims, debts owing to the association, business and undertaking of the association, heretofore belonging to or vested in the association, and all its interest in the same, shall be held by and are hereby vested in the company, and the company shall assume and pay the liabilities of the association other than its liabilities to its shareholders which shall be dealt with as hereinafter set out.

Issue of  
shares to  
members of  
association.

7.—(1) Each shareholder of the association shall receive for each paid up share of the capital stock of the association held by him eight fully paid and non-assessable shares of the capital stock of the company of the par value of ten dollars each together with a debenture of the company securing the sum of forty dollars bearing interest at the rate of four per centum per annum payable half yearly and the principal payable not later than six years from the date of the coming into force of this Act.

Partly paid  
shares.

(2) Each holder of partly paid shares of the association other than mortgaged shares shall have the amount paid by him on such shares applied as payment in full for such number of shares of the association as such amount will purchase at a price of one hundred and thirty dollars per share; and for such fully paid shares he shall receive the consideration set out in subsection 1; and for the balance of the amount paid by him he shall receive one fully paid and non-assessable share of the capital stock of the company of the par value of ten dollars each for every ten dollars of such balance; provided that the company may adjust any fractional portion of a share of the company to which a shareholder would be entitled hereunder by payment for such fractional portion in cash at par.

Cancellation  
of mortgaged  
shares and  
continuance  
of mortgages.

8.—(1) All mortgaged shares of the association and subscriptions therefor are hereby cancelled but the mortgages executed as security for the repayment of the advances made on such shares, and all the powers, covenants, provisos and agreements in such mortgages contained, shall be and remain





valid and binding upon the mortgagors and upon the lands described therein, and in full force and effect except so far as the terms thereof are altered by or are inconsistent with the provisions of this Act.

Valuation of mortgages.

(2) The amount of principal due and payable under each such mortgage shall be the total amount of the subscription price of the mortgaged shares less the dues paid and the profits credited thereon at the time of the coming into force of this Act.

Future payments to discharge mortgages.

(3) The payments due and to be made under each such mortgage after the coming into force of this Act shall be equal in amount to and payable on the same dates as the instalments of dues and interest stipulated in the respective mortgage contract and such payments shall continue for no greater length of time than would have been the case had such mortgage contract been continued without alteration and without allowance of profits from the association, but shall continue for such less length of time as the board of directors may fix.

Arrears under mortgages.

(4) Where, at the time of the coming into force of this Act, there are payments in arrears on mortgaged shares or a mortgage contract, whether for dues, interest, insurance, taxes, or otherwise, the provisions of subsection 3 shall not affect such payments, but the same shall remain due and payable.

Amendment of mortgages.

(5) The provisions of such mortgage contracts which declare that the mortgagors shall be subject to the rules and by-laws of the association or liable as shareholders of the association or entitled to dividends shall be cancelled as of the date of the coming into force of this Act.

Purchase of certain shares by company.

9. For a period of three years from the coming into force of this Act, the board of directors of the company shall have power to purchase on behalf of the company from any shareholder, or his heirs or personal representatives, the shares of the company issued to such shareholder in lieu of the shares of the association held by him, or any portion thereof, at such prices as may be determined from time to time by the board, but the Registrar of Loan Corporations may regulate or terminate the exercise of the board's power to make such purchases; such shares, when purchased, shall be cancelled, and save as herein set out the company shall not have power to purchase its shares.

Powers of management.

10.—(1) The board of directors shall have full power and authority from time to time to make and alter such by-laws as appear to them proper and needful touching the conduct



of the business of the company, and the management and disposition of its property and effects, the calling of special and annual general meetings, the regulation of the meetings of the board of directors, the appointment from time to time of an executive committee or committees of the said board (which, if they deem it advisable, may include the manager), with such powers, and to discharge such duties as the board may from time to time confer and impose upon them; the election of a president and vice-president, the appointment and removal of a general manager, and such other officers as the board deems necessary, the exercise of the borrowing powers of the company, the issue and transfer of shares, the declaration and payment of dividends, the investing and loaning of the funds of the company, and generally all other necessary matters and things that they may deem expedient in conducting and managing the interest, business and affairs of the company.

Force of  
by-laws.

(2) Every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall have force only until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time, cease to have force.

Repeal and  
variation of  
by-laws.

(3) The company may, either at a general meeting called for that purpose or at the annual meeting, repeal, amend, vary or otherwise deal with any by-law passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Power to  
finance and  
borrow.

**11.** The company may borrow money and may receive money on deposit and may issue its bonds, debentures or other securities for moneys borrowed.

Company  
a loan  
corporation.

Rev. Stat.,  
c. 223.

**12.** The company is hereby authorized and empowered to carry on business as a loan company, and the provisions of *The Loan and Trust Corporations Act* shall apply to the company except where they are inconsistent with the provisions of this Act and except that sections 2, 3, 6, 7 and 76 and subsection 1 of section 46 of *The Loan and Trust Corporations Act* shall not apply to the company.

Head office.

**13.** The head office of the company shall be at the city of Niagara Falls, in the Province of Ontario.

Evidence  
of company's  
title.

**14.** The recital of this Act and of the publication in the *Ontario Gazette* of the notice required by section 16, in any deed, conveyance, bill of sale, mortgage, chattel mortgage, assignment of mortgage or chattel mortgage, assurance,





lease, bond, release, discharge, power of attorney or other instrument shall be sufficient evidence for all purposes of the transfer of title from the association to the company.

Share-  
holders  
approval to  
make Act  
operative.

**15.**—(1) A special general meeting of the shareholders other than those holding mortgaged shares of the association shall within three months after this section comes into force be called by the present board of directors of the association for the purpose of approving this Act, by a notice to each shareholder mailed, postage prepaid, to his last known post office address at least fifteen days previous to the day fixed for such meeting and a proxy Form "A" to this Act shall be sent with the notice.

Proxies.

(2) No shares shall be voted by proxy at the said meeting unless the proxy with respect thereto has been filed with the present secretary of the association at least forty-eight hours before the time at which the meeting is to be held.

Commence-  
ment of  
section.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Commence-  
ment of  
operation  
of Act.

**16.** This Act except sections 15 and 17 shall have no force or effect unless and until the same has been approved by a vote of the owners of not less than two-thirds of the shares other than mortgaged shares of the association present or represented by proxy at the special general meeting called as provided for by the said section 15, and if so approved shall come into force on the 1st day of August, 1936, and forthwith notice of such approval and of the date thereof shall be given to the Registrar of Loan and Trust Corporations and shall be published forthwith by the company in the *Ontario Gazette*.

Restriction  
on sale of  
shares prior  
to meeting  
under s. 15.

**17.**—(1) No shareholder of the association shall be entitled to sell or dispose of any shares of the association unless such sale or disposition is made not later than forty-eight hours before the date of the special general meeting as provided for by section 15 of this Act; provided that should this Act not be approved, as hereinbefore provided, then this restriction on sale or disposal of shares of the association shall terminate forthwith after such general meeting.

Commence-  
ment of  
section.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.



## FORM "A."

## PROXY

NIAGARA FALLS BUILDING, SAVINGS AND LOAN  
ASSOCIATION

I,  
 a shareholder of the Niagara Falls Building, Savings and Loan Association,  
 do hereby appoint  
 or  
 or  
 or any of them  
 or  
 as my proxy to vote for me on my behalf at a special general meeting  
 of the association to be held on the  
 day of 1936, or at any  
 adjournment thereof

\*in favour of  
 against

the bringing into force of an Act of the Ontario Legislature incorporating  
 the shareholders of the Niagara Falls Building, Savings and Loan Association,  
 with such other persons as may hereafter become shareholders,  
 as a loan corporation under the name of the "Niagara Falls Loan and  
 Savings Company" for the purpose of carrying on the business of a loan  
 company under the provisions of *The Loan and Trust Corporations Act*.

Dated this                      day of                      1936.

.....  
 Signature of Shareholder.

\*If in favour of, strike out the word "against"  
 If opposed, strike out the words "in favour of"

Proxies must be filed with the Secretary  
 of the Association not later than forty-  
 eight hours prior to the holding of the  
 meeting and otherwise shall be null, void  
 and of no effect.









An Act respecting the Niagara Falls  
Building, Savings and Loan  
Association.

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. HOUCK

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(*Private Bill*)

No. 7

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Niagara Falls Building, Savings and Loan  
Association.

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MR. HOUCK

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1936

# BILL

## An Act respecting the Niagara Falls Building, Savings and Loan Association.

Preamble.

**W**HEREAS the Niagara Falls Building, Savings and Loan Association, hereinafter called the association, has by its petition represented that it was incorporated by a declaration filed on the 5th day of March, 1894, under the provisions of *The Building Societies Act*, being chapter 169 of the Revised Statutes of Ontario, 1887, as amended by chapter 31 of the Statutes of Ontario, 1893, and that the said association has since the date of its incorporation carried on the purposes for which it was incorporated, and that it is presently registered as a loan corporation having terminating stock under the provisions of *The Loan and Trust Corporations Act*, and has prayed that it may be reincorporated as a loan corporation having permanent stock under the name of "Niagara Falls Loan and Savings Company" with the power to transact a loaning business under the provisions of *The Loan and Trust Corporations Act*; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,  
c. 223.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Niagara Falls Loan and Savings Company Act, 1936*.

"Mortgaged  
shares."

**2.** In this Act, the term "mortgaged shares" means shares subscribed by members of the association in respect of which advances have been made by the association collaterally secured by mortgages of real estate.

Incorporation.

**3.** The members of the association holding shares other than mortgaged shares of the association together with such other persons as may hereafter become shareholders in the company hereby incorporated shall be and are hereby constituted a corporation under the name of "Niagara Falls Loan and Savings Company," hereinafter called the company.

Capital  
stock.

**4.** The authorized capital stock of the company shall be one million dollars which shall be divided into one hundred





thousand permanent shares of the par value of ten dollars each; provided that at any time subsequent to the issue of such shares the company may by by-law change the division of the said capital stock into twenty thousand shares of the par value of fifty dollars each or into ten thousand shares of the par value of one hundred dollars each.

First  
directors.

5. The present board of directors of the association shall constitute the first board of directors of the company and they shall continue to hold office until the first general meeting of the shareholders of the company is held.

Vesting of  
assets of  
former  
association.

6. All the assets, property, real and personal, cash on hand and in bank, mortgages, agreements of sale, rights, claims, debts owing to the association, business and undertaking of the association, heretofore belonging to or vested in the association, and all its interest in the same, shall be held by and are hereby vested in the company, and the company shall assume and pay the liabilities of the association other than its liabilities to its shareholders which shall be dealt with as hereinafter set out.

Issue of  
shares to  
members of  
association.

7.—(1) Each shareholder of the association shall receive for each paid up share of the capital stock of the association held by him eight fully paid and non-assessable shares of the capital stock of the company of the par value of ten dollars each together with a debenture of the company securing the sum of forty dollars bearing interest at the rate of four per centum per annum payable half yearly and the principal payable not later than six years from the date of the coming into force of this Act.

Partly paid  
shares.

(2) Each holder of partly paid shares of the association other than mortgaged shares shall have the amount paid by him on such shares applied as payment in full for such number of shares of the association as such amount will purchase at a price of one hundred and thirty dollars per share; and for such fully paid shares he shall receive the consideration set out in subsection 1; and for the balance of the amount paid by him he shall receive one fully paid and non-assessable share of the capital stock of the company of the par value of ten dollars each for every ten dollars of such balance; provided that the company may adjust any fractional portion of a share of the company to which a shareholder would be entitled hereunder by payment for such fractional portion in cash at par.

Cancellation  
of mortgaged  
shares and  
continuance  
of mortgages.

8.—(1) All mortgaged shares of the association and subscriptions therefor are hereby cancelled but the mortgages executed as security for the repayment of the advances made on such shares, and all the powers, covenants, provisos and agreements in such mortgages contained, shall be and remain



valid and binding upon the mortgagors and upon the lands described therein, and in full force and effect except so far as the terms thereof are altered by or are inconsistent with the provisions of this Act.

Valuation of mortgages.

(2) The amount of principal due and payable under each such mortgage shall be the total amount of the subscription price of the mortgaged shares less the dues paid and the profits credited thereon at the time of the coming into force of this Act.

Future payments to discharge mortgages.

(3) The payments due and to be made under each such mortgage after the coming into force of this Act shall be equal in amount to and payable on the same dates as the instalments of dues and interest stipulated in the respective mortgage contract and such payments shall continue for no greater length of time than would have been the case had such mortgage contract been continued without alteration and without allowance of profits from the association, but shall continue for such less length of time as the board of directors may fix.

Arrears under mortgages.

(4) Where, at the time of the coming into force of this Act, there are payments in arrears on mortgaged shares or a mortgage contract, whether for dues, interest, insurance, taxes, or otherwise, the provisions of subsection 3 shall not affect such payments, but the same shall remain due and payable.

Amendment of mortgages.

(5) The provisions of such mortgage contracts which declare that the mortgagors shall be subject to the rules and by-laws of the association or liable as shareholders of the association or entitled to dividends shall be cancelled as of the date of the coming into force of this Act.

Purchase of certain shares by company.

9. For a period of three years from the coming into force of this Act, the board of directors of the company shall have power to purchase on behalf of the company from any shareholder, or his heirs or personal representatives, the shares of the company issued to such shareholder in lieu of the shares of the association held by him, or any portion thereof, at such prices as may be determined from time to time by the board, but the Registrar of Loan Corporations may regulate or terminate the exercise of the board's power to make such purchases; such shares, when purchased, shall be cancelled, and save as herein set out the company shall not have power to purchase its shares.

Powers of management.

10.—(1) The board of directors shall have full power and authority from time to time to make and alter such by-laws as appear to them proper and needful touching the conduct





of the business of the company, and the management and disposition of its property and effects, the calling of special and annual general meetings, the regulation of the meetings of the board of directors, the appointment from time to time of an executive committee or committees of the said board (which, if they deem it advisable, may include the manager), with such powers, and to discharge such duties as the board may from time to time confer and impose upon them; the election of a president and vice-president, the appointment and removal of a general manager, and such other officers as the board deems necessary, the exercise of the borrowing powers of the company, the issue and transfer of shares, the declaration and payment of dividends, the investing and loaning of the funds of the company, and generally all other necessary matters and things that they may deem expedient in conducting and managing the interest, business and affairs of the company.

Force of  
by-laws.

(2) Every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall have force only until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time, cease to have force.

Repeal and  
variation of  
by-laws.

(3) The company may, either at a general meeting called for that purpose or at the annual meeting, repeal, amend, vary or otherwise deal with any by-law passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Power to  
finance and  
borrow.

**11.** The company may borrow money and may receive money on deposit and may issue its bonds, debentures or other securities for moneys borrowed.

Company  
a loan  
corporation.

Rev. Stat.,  
c. 223.

**12.** The company is hereby authorized and empowered to carry on business as a loan company, and the provisions of *The Loan and Trust Corporations Act* shall apply to the company except where they are inconsistent with the provisions of this Act and except that sections 2, 3, 6, 7 and 76 and subsection 1 of section 46 of *The Loan and Trust Corporations Act* shall not apply to the company.

Head office.

**13.** The head office of the company shall be at the city of Niagara Falls, in the Province of Ontario.

Evidence  
of company's  
title.

**14.** The recital of this Act and of the publication in the *Ontario Gazette* of the notice required by section 16, in any deed, conveyance, bill of sale, mortgage, chattel mortgage, assignment of mortgage or chattel mortgage, assurance,





lease, bond, release, discharge, power of attorney or other instrument shall be sufficient evidence for all purposes of the transfer of title from the association to the company.

Share-  
holders  
approval to  
make Act  
operative.

**15.**—(1) A special general meeting of the shareholders other than those holding mortgaged shares of the association shall within two months after this section comes into force be called by the present board of directors of the association for the purpose of approving this Act, by a notice to each shareholder mailed, postage prepaid, to his last known post office address at least fifteen days previous to the day fixed for such meeting and a proxy Form "A" to this Act shall be sent with the notice.

Proxies.

(2) No shares shall be voted by proxy at the said meeting unless the proxy with respect thereto has been filed with the present secretary of the association at least forty-eight hours before the time at which the meeting is to be held.

Commence-  
ment of  
section.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Commence-  
ment of  
operation  
of Act.

**16.** This Act except sections 15 and 17 shall have no force or effect unless and until the same has been approved by a vote of the owners of not less than two-thirds of the shares other than mortgaged shares of the association present or represented by proxy at the special general meeting called as provided for by the said section 15, and if so approved shall come into force on the 1st day of July, 1936, and forthwith notice of such approval and of the date thereof shall be given to the Registrar of Loan and Trust Corporations and shall be published forthwith by the company in the *Ontario Gazette*.

Restriction  
on sale of  
shares prior  
to meeting  
under s. 15.

**17.**—(1) No shareholder of the association shall be entitled to sell or dispose of any shares of the association unless such sale or disposition is made not later than forty-eight hours before the date of the special general meeting as provided for by section 15 of this Act; provided that should this Act not be approved, as hereinbefore provided, then this restriction on sale or disposal of shares of the association shall terminate forthwith after such general meeting.

Commence-  
ment of  
section.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.



## FORM "A."

## PROXY

NIAGARA FALLS BUILDING, SAVINGS AND LOAN  
ASSOCIATION

I,  
 a shareholder of the Niagara Falls Building, Savings and Loan Association,  
 do hereby appoint  
 or  
 or  
 or any of them  
 or  
 as my proxy to vote for me on my behalf at a special general meeting  
 of the association to be held on the  
 day of  
 adjournment thereof

1936, or at any

\*in favour of

against

the bringing into force of an Act of the Ontario Legislature incorporating  
 the shareholders of the Niagara Falls Building, Savings and Loan Asso-  
 ciation, with such other persons as may hereafter become shareholders,  
 as a loan corporation under the name of the "Niagara Falls Loan and  
 Savings Company" for the purpose of carrying on the business of a loan  
 company under the provisions of *The Loan and Trust Corporations Act*.

Dated this

day of

1936.

.....  
 Signature of Shareholder.

\*If in favour of, strike out the word "against"  
 If opposed, strike out the words "in favour of"

Proxies must be filed with the Secretary  
 of the Association not later than forty-  
 eight hours prior to the holding of the  
 meeting and otherwise shall be null, void  
 and of no effect.









# BILL

An Act respecting the Niagara Falls  
Building, Savings and Loan  
Association.

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*1st Reading*

February 27th, 1936

*2nd Reading*

March 13th, 1936

*3rd Reading*

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MR. HOUCK

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(Reprinted as amended by the Committee on  
Private Bills).

No. 7

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Niagara Falls Building, Savings and Loan  
Association.

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MR. HOUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1936

# BILL

## An Act respecting the Niagara Falls Building, Savings and Loan Association.

Preamble.

**W**HEREAS the Niagara Falls Building, Savings and Loan Association, hereinafter called the association, has by its petition represented that it was incorporated by a declaration filed on the 5th day of March, 1894, under the provisions of *The Building Societies Act*, being chapter 169 of the Revised Statutes of Ontario, 1887, as amended by chapter 31 of the Statutes of Ontario, 1893, and that the said association has since the date of its incorporation carried on the purposes for which it was incorporated, and that it is presently registered as a loan corporation having terminating stock under the provisions of *The Loan and Trust Corporations Act*, and has prayed that it may be reincorporated as a loan corporation having permanent stock under the name of "Niagara Falls Loan and Savings Company" with the power to transact a loaning business under the provisions of *The Loan and Trust Corporations Act*; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.  
c. 223.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Niagara Falls Loan and Savings Company Act, 1936*.

"Mortgaged  
shares."

**2.** In this Act, the term "mortgaged shares" means shares subscribed by members of the association in respect of which advances have been made by the association collaterally secured by mortgages of real estate.

Incorporation.

**3.** The members of the association holding shares other than mortgaged shares of the association together with such other persons as may hereafter become shareholders in the company hereby incorporated shall be and are hereby constituted a corporation under the name of "Niagara Falls Loan and Savings Company," hereinafter called the company.

Capital  
stock.

**4.** The authorized capital stock of the company shall be one million dollars which shall be divided into one hundred



thousand permanent shares of the par value of ten dollars each; provided that at any time subsequent to the issue of such shares the company may by by-law change the division of the said capital stock into twenty thousand shares of the par value of fifty dollars each or into ten thousand shares of the par value of one hundred dollars each.

5. The present board of directors of the association shall constitute the first board of directors of the company and they shall continue to hold office until the first general meeting of the shareholders of the company is held. First directors.

6. All the assets, property, real and personal, cash on hand and in bank, mortgages, agreements of sale, rights, claims, debts owing to the association, business and undertaking of the association, heretofore belonging to or vested in the association, and all its interest in the same, shall be held by and are hereby vested in the company, and the company shall assume and pay the liabilities of the association other than its liabilities to its shareholders which shall be dealt with as hereinafter set out. Vesting of assets of former association.

7.—(1) Each shareholder of the association shall receive for each paid up share of the capital stock of the association held by him eight fully paid and non-assessable shares of the capital stock of the company of the par value of ten dollars each together with a debenture of the company securing the sum of forty dollars bearing interest at the rate of four per centum per annum payable half yearly and the principal payable not later than six years from the date of the coming into force of this Act. Issue of shares to members of association.

(2) Each holder of partly paid shares of the association other than mortgaged shares shall have the amount paid by him on such shares applied as payment in full for such number of shares of the association as such amount will purchase at a price of one hundred and thirty dollars per share; and for such fully paid shares he shall receive the consideration set out in subsection 1; and for the balance of the amount paid by him he shall receive one fully paid and non-assessable share of the capital stock of the company of the par value of ten dollars each for every ten dollars of such balance; provided that the company may adjust any fractional portion of a share of the company to which a shareholder would be entitled hereunder by payment for such fractional portion in cash at par. Partly paid shares.

8.—(1) All mortgaged shares of the association and subscriptions therefor are hereby cancelled but the mortgages executed as security for the repayment of the advances made on such shares, and all the powers, covenants, provisos and agreements in such mortgages contained, shall be and remain Cancellation of mortgaged shares and continuance of mortgages.

valid and binding upon the mortgagors and upon the lands described therein, and in full force and effect except so far as the terms thereof are altered by or are inconsistent with the provisions of this Act.

Valuation of mortgages.

(2) The amount of principal due and payable under each such mortgage shall be the total amount of the subscription price of the mortgaged shares less the dues paid and the profits credited thereon at the time of the coming into force of this Act.

Future payments to discharge mortgages.

(3) The payments due and to be made under each such mortgage after the coming into force of this Act shall be equal in amount to and payable on the same dates as the instalments of dues and interest stipulated in the respective mortgage contract and such payments shall continue for no greater length of time than would have been the case had such mortgage contract been continued without alteration and without allowance of profits from the association, but shall continue for such less length of time as the board of directors may fix.

Arrears under mortgages.

(4) Where, at the time of the coming into force of this Act, there are payments in arrears on mortgaged shares or a mortgage contract, whether for dues, interest, insurance, taxes, or otherwise, the provisions of subsection 3 shall not affect such payments, but the same shall remain due and payable.

Amendment of mortgages.

(5) The provisions of such mortgage contracts which declare that the mortgagors shall be subject to the rules and by-laws of the association or liable as shareholders of the association or entitled to dividends shall be cancelled as of the date of the coming into force of this Act.

Purchase of certain shares by company.

9. For a period of three years from the coming into force of this Act, the board of directors of the company shall have power to purchase on behalf of the company from any shareholder, or his heirs or personal representatives, the shares of the company issued to such shareholder in lieu of the shares of the association held by him, or any portion thereof, at such prices as may be determined from time to time by the board, but the Registrar of Loan Corporations may regulate or terminate the exercise of the board's power to make such purchases; such shares, when purchased, shall be cancelled, and save as herein set out the company shall not have power to purchase its shares.

Powers of management.

10.—(1) The board of directors shall have full power and authority from time to time to make and alter such by-laws as appear to them proper and needful touching the conduct



of the business of the company, and the management and disposition of its property and effects, the calling of special and annual general meetings, the regulation of the meetings of the board of directors, the appointment from time to time of an executive committee or committees of the said board (which, if they deem it advisable, may include the manager), with such powers, and to discharge such duties as the board may from time to time confer and impose upon them; the election of a president and vice-president, the appointment and removal of a general manager, and such other officers as the board deems necessary, the exercise of the borrowing powers of the company, the issue and transfer of shares, the declaration and payment of dividends, the investing and loaning of the funds of the company, and generally all other necessary matters and things that they may deem expedient in conducting and managing the interest, business and affairs of the company.

(2) Every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall have force only until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time, cease to have force. Force of by-laws.

(3) The company may, either at a general meeting called for that purpose or at the annual meeting, repeal, amend, vary or otherwise deal with any by-law passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. Repeal and variation of by-laws.

11. The company may borrow money and may receive money on deposit and may issue its bonds, debentures or other securities for moneys borrowed. Power to finance and borrow.

12. The company is hereby authorized and empowered to carry on business as a loan company, and the provisions of *The Loan and Trust Corporations Act* shall apply to the company except where they are inconsistent with the provisions of this Act and except that sections 2, 3, 6, 7 and 76 and subsection 1 of section 46 of *The Loan and Trust Corporations Act* shall not apply to the company. Company a loan corporation. Rev. Stat., c. 223.

13. The head office of the company shall be at the city of Niagara Falls, in the Province of Ontario. Head office.

14. The recital of this Act and of the publication in the *Ontario Gazette* of the notice required by section 16, in any deed, conveyance, bill of sale, mortgage, chattel mortgage, assignment of mortgage or chattel mortgage, assurance, Evidence of company's title.

lease, bond, release, discharge, power of attorney or other instrument shall be sufficient evidence for all purposes of the transfer of title from the association to the company.

Share-  
holders  
approval to  
make Act  
operative.

**15.**—(1) A special general meeting of the shareholders other than those holding mortgaged shares of the association shall within two months after this section comes into force be called by the present board of directors of the association for the purpose of approving this Act, by a notice to each shareholder mailed, postage prepaid, to his last known post office address at least fifteen days previous to the day fixed for such meeting and a proxy Form "A" to this Act shall be sent with the notice.

Proxies.

(2) No shares shall be voted by proxy at the said meeting unless the proxy with respect thereto has been filed with the present secretary of the association at least forty-eight hours before the time at which the meeting is to be held.

Commence-  
ment of  
section.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Commence-  
ment of  
operation  
of Act.

**16.** This Act except sections 15 and 17 shall have no force or effect unless and until the same has been approved by a vote of the owners of not less than two-thirds of the shares other than mortgaged shares of the association present or represented by proxy at the special general meeting called as provided for by the said section 15, and if so approved shall come into force on the 1st day of July, 1936, and forthwith notice of such approval and of the date thereof shall be given to the Registrar of Loan and Trust Corporations and shall be published forthwith by the company in the *Ontario Gazette*.

Restriction  
on sale of  
shares prior  
to meeting  
under s. 15.

**17.**—(1) No shareholder of the association shall be entitled to sell or dispose of any shares of the association unless such sale or disposition is made not later than forty-eight hours before the date of the special general meeting as provided for by section 15 of this Act; provided that should this Act not be approved, as hereinbefore provided, then this restriction on sale or disposal of shares of the association shall terminate forthwith after such general meeting.

Commence-  
ment of  
section.

(2) This section shall come into force on the day upon which this Act receives the Royal Assent.

## FORM "A."

## PROXY

NIAGARA FALLS BUILDING, SAVINGS AND LOAN  
ASSOCIATION

I,  
a shareholder of the Niagara Falls Building, Savings and Loan Association,  
do hereby appoint  
or  
or any of them  
or  
as my proxy to vote for me on my behalf at a special general meeting  
of the association to be held on the  
day of 1936, or at any  
adjournment thereof

\*in favour of

against

the bringing into force of an Act of the Ontario Legislature incorporating the shareholders of the Niagara Falls Building, Savings and Loan Association, with such other persons as may hereafter become shareholders, as a loan corporation under the name of the "Niagara Falls Loan and Savings Company" for the purpose of carrying on the business of a loan company under the provisions of *The Loan and Trust Corporations Act*.

Dated this                      day of                      1936.

.....  
Signature of Shareholder.

\*If in favour of, strike out the word "against"  
If opposed, strike out the words "in favour of"

Proxies must be filed with the Secretary of the Association not later than forty-eight hours prior to the holding of the meeting and otherwise shall be null, void and of no effect.



BILL

An Act respecting the Niagara Falls  
Building, Savings and Loan  
Association.

---

*1st Reading*

February 27th, 1936

*2nd Reading*

March 13th, 1936

*3rd Reading*

March 20th, 1936

---

MR. HOUCK

---

No. 8

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Township of Nepean.

---

MR. ACRES

---

(PRIVATE BILL)

---

TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 8

1936

# BILL

## An Act respecting the Township of Nepean.

Preamble.

**W**HEREAS the corporation of the township of Nepean has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Township of Nepean Act, 1936*.

Exemption  
of new  
buildings  
from  
taxation.

**2.** The corporation of the township of Nepean may by by-law, which for its validity shall not require the assent of the electors of the said township qualified to vote on money by-laws, exempt wholly or partially from municipal taxation, except taxation for school purposes and local improvements, for the whole or any part of the period of five years next ensuing from and after the 1st day of January, 1936, all new dwelling houses erected in the said municipality during the said period.

Confirmation  
of tax  
sales and  
conveyances.

**3.**—(1) All sales of land within the said municipality made prior to the 31st day of January, 1934, and purporting to have been made by the corporation of the township of Nepean or its treasurer for arrears of taxes in respect to the lands so sold, are hereby validated and confirmed and all conveyances of land so sold, executed by the reeve and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns or to the said corporation, shall have the effect of vesting the lands so sold in the purchaser or his heirs and assigns and his or their heirs and assigns or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon, and dower therein, except taxes accruing after those for non-payment of which such



Rev. stat.,  
c. 158.

land was sold; provided that in the case of land registered under *The Land Titles Act*, the transfer of such land shall be completed by the proper Master of Titles entering on the register the transferee as owner of the land transferred and, until such entry is made, the lands shall not vest in the transferee, and the Master of Titles shall not be required to give the notice prescribed by section 66 of *The Land Titles Act* before making such entry.

Except  
pending  
litigation.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Variation  
of assess-  
ment roll.  
  
Rev. stat.,  
c. 238.

4.—(1) In the said township the form of the assessment roll provided for by *The Assessment Act* may be varied as in the case of a city or town or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll and columns may be omitted which are inapplicable to the said township as in the case of a city or town.

Variation of  
collector's  
roll.

(2) In the said township, the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and bookkeeping.

Commence-  
ment of Act.

5. This Act, other than section 3, shall come into force on the day upon which it receives the Royal Assent. Section 3 shall come into force on the 1st day of July, 1936.









BILL

An Act respecting the Township of Nepean.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ACRES

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Township of Nepean.

---

MR. ACRES

---



# BILL

## An Act respecting the Township of Nepean.

Preamble.

**W**HEREAS the corporation of the township of Nepean has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of Nepean Act, 1936*.

Exemption  
of new  
buildings  
from  
taxation.

2. The corporation of the township of Nepean may by by-law, which for its validity shall not require the assent of the electors of the said township qualified to vote on money by-laws, exempt wholly or partially from municipal taxation, except taxation for school purposes and local improvements, for the whole or any part of the period of five years next ensuing from and after the 1st day of January, 1936, all new dwelling houses erected in the said municipality during the said period.

Confirmation  
of tax  
sales and  
conveyances.

3.—(1) All sales of land within the said municipality made prior to the 31st day of January, 1934, and purporting to have been made by the corporation of the township of Nepean or its treasurer for arrears of taxes in respect to the lands so sold, are hereby validated and confirmed and all conveyances of land so sold, executed by the reeve and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his heirs or assigns or to the said corporation, shall have the effect of vesting the lands so sold in the purchaser or his heirs and assigns and his or their heirs and assigns or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon, and dower therein, except taxes accruing after those for non-payment of which such

land was sold; provided that in the case of land registered under *The Land Titles Act*, the transfer of such land shall be completed by the proper Master of Titles entering on the register the transferee as owner of the land transferred and, until such entry is made, the lands shall not vest in the transferee, and the Master of Titles shall not be required to give the notice prescribed by section 66 of *The Land Titles Act* before making such entry. Rev. stat.,  
c. 158.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed. Except  
pending  
litigation.

4.—(1) In the said township the form of the assessment roll provided for by *The Assessment Act* may be varied as in the case of a city or town or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll and columns may be omitted which are inapplicable to the said township as in the case of a city or town. Variation  
of assess-  
ment roll.  
  
Rev. Stat.,  
c. 238.

(2) In the said township, the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and bookkeeping. Variation of  
collector's  
roll.

5. This Act, other than section 3, shall come into force on the day upon which it receives the Royal Assent. Section 3 shall come into force on the 1st day of July, 1936. Commence-  
ment of Act.

BILL

An Act respecting the Township of Nepean.

---

*1st Reading*

March 19th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

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MR. ACRES

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting a Trust Settlement of the late Peter Birtwistle and  
the Corporation of the Borough of Colne (England).

---

MR. STRACHAN

---

(PRIVATE BILL)



# BILL

An Act respecting a Trust Settlement of the late  
Peter Birtwistle and the Corporation of the  
Borough of Colne (England).

Preamble.

**W**HEREAS the Mayor, Aldermen and Burgesses of the Borough of Colne (England), acting by the Town Council, hereinafter referred to as the Corporation of Colne, and The Trusts and Guarantee Company Limited, have by their petition represented that under an agreement dated the 2nd day of January, 1936, made between the Corporation of Colne and the said Trust Company, the said parties have agreed that the funds in the hands of the Trust Company under and subject to the trusts of an Indenture dated the 27th day of May, 1918, and made between Peter Birtwistle and the said Trust Company, shall be dealt with under the terms set out in the said agreement, and by the said petition have prayed that an Act may be passed validating and confirming the said agreement and authorizing and empowering the Corporation of Colne and the said Trust Company to carry out, do and perform the things provided by the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Birtwistle Estate Settlement Act, 1936*.

Agreement  
respecting  
the estate  
of Peter  
Birtwistle  
confirmed.

**2.** The agreement made between the Corporation of Colne and The Trusts and Guarantee Company Limited, dated the 2nd day of January, 1936, as set out in the schedule hereto, is hereby confirmed, ratified and declared to be legal, valid and binding upon the Corporation of Colne, and its successors and the said Trust Company, and its successors and assigns, and the Corporation of Colne and the said Trust Company are, and each of them is, hereby authorized and empowered to do all acts necessary for the full and proper carrying out of the provisions of the said agreement.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





## SCHEDULE "A."

MEMORANDUM OF AGREEMENT made this second day of January, A.D. 1936.

BETWEEN:

THE TRUSTS AND GUARANTEE COMPANY, LIMITED,  
hereinafter referred to as the "Trustee,"

of the first part,

—and—

THE MAYOR, ALDERMEN AND BURGESSES of the  
Borough of Colne, acting by the Town Council,  
hereinafter referred to as the "Corporation of  
Colne,"

of the second part.

WITNESSETH:

1. The fund held by the Trustee under and subject to the trusts of the agreement dated the 27th day of May, 1918, and made between Peter Birtwistle, therein called the Settlor, of the First Part, and The Trusts and Guarantee Company, Limited, therein called the Trustee, of the Second Part, shall be dealt with by the Trustee as follows:—

The Trustee shall set apart, so soon as the Legislature of the Province of Ontario has sanctioned this agreement, One hundred thousand dollars (\$100,000.00), and shall apply forty per cent. thereof, \$40,000.00, in the establishment of a maintenance fund hereinafter more particularly described, and after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$100,000.00, and on the first day of April in each of the years 1937 to 1946, inclusive, the Trustee shall set apart \$57,000.00 and shall transfer 40% of each of such sums to the maintenance fund and, after deducting the commutation of its fees on the basis hereinafter set out, shall pay to the Corporation of Colne the balance of the said \$57,000.00, and on the 19th day of April, 1948, the Trustee, if thereto requested by the Corporation of Colne, which shall thereupon become entitled to payment thereof, shall pay the balance of the said fund, together with all accumulations thereon, to the Corporation of Colne, and at the same time, if thereunto requested by the Corporation of Colne, shall pay and transfer the maintenance fund to the Corporation of Colne, which at that time shall become entitled to such transfer and payment.

2. The amounts as hereinabove provided to be transferred to a maintenance fund shall be held by the Trustee in trust to invest the same in the debentures, bonds, stock or other securities of, or guaranteed by, the Government of the Dominion of Canada, or of or guaranteed by any Province of Canada, or of the Government of the United Kingdom, or of any municipal corporation in Canada, including debentures issued for public school purposes or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any Province of Canada on property situated in such Province and collectible by or through the municipality in which such property is situated, in the same manner and with the same rights of enforcing payment as in the case of general municipal taxes in such municipality, and to pay the income therefrom to the Corporation of Colne yearly, and to pay and transfer the corpus with all accumulations to the Corporation of Colne on the 19th day of April, 1948, and the Trustee shall be entitled to charge and be paid one-quarter of one per cent. annually of the corpus of the maintenance fund for the management thereof.

3. Payments to the Corporation of Colne out of the principal of the said fund as hereinabove provided, up to and inclusive of the first day of April, 1946, shall be utilized by the Corporation of Colne, and solely



so utilized, in capital expenditure incident to the establishment of a housing scheme for the aged and deserving poor of the Corporation of Colne, provided, however, that in the administration of the said trusts the Corporation of Colne may utilize the said moneys as the Statutes of Great Britain governing the discharge by municipal corporations of charitable trusts or the charity commissioners or other authorities constituted by and thereunder, shall by proper proceedings in that behalf had and taken order and direct.

4. On setting aside from the said fund the amounts as hereinabove provided, the Trustee shall be entitled to and shall deduct and pay to its own account by way of compensation to it for and in respect of each amount then so set apart, a sum representing the then present value of an annual income of .95% on the gross amount of each such amount so set apart from the date of its setting apart to the 18th day of April, 1948, such present value being calculated on the basis of 5% compound interest.

5. All payments shall be made in Canadian currency to be transmitted to the Corporation of Colne in such manner as the Town Council of the Borough of Colne may by resolution under its corporate seal from time to time direct. The Trustee shall be protected in acting on the faith of any resolution purporting to be under the seal of the Corporation of Colne. If any payment is to be made in any manner other than by the Trustee's cheque on its Canadian bankers, the additional cost of making such payment shall be chargeable to the Corporation of Colne and paid by the Trustee out of the funds in its hands.

6. All disbursements of the parties hereto made and incurred in connection with or arising out of the matters determined by this agreement, including negotiations with respect to such matters, the making of this agreement, and any application to any Court of Legislature or administrative body for authorization or confirmation thereof, shall be charged upon and paid out of the fund in the hands of the Trustee.

7. Except as varied by this agreement, the terms of the Trust Deed of the 27th day of May, 1918, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals under the hands of their proper Officers in that behalf.

The Corporate Seal of The Trusts and Guarantee Company, Limited, was affixed hereto in the presence of

.....  
President.

.....  
Secretary.

The Corporate Seal of the Mayor, Aldermen and Burgesses of the Corporation of Colne was affixed hereto in the presence of

.....  
Mayor.

.....  
Town Clerk.





An Act respecting a Trust Settlement of  
the late Peter Birtwistle and the Cor-  
poration of the Borough of Colne  
(England).

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

---

# BILL

An Act respecting The Association of Accountants and Auditors  
in Ontario.

---

MR. BELANGER

---

(PRIVATE BILL)

# BILL

## An Act respecting The Association of Accountants and Auditors in Ontario.

### Preamble.

**W**HEREAS The Association of Accountants and Auditors in Ontario was incorporated by *The Association of Accountants and Auditors Act, 1926*, which said Act was amended by *The Association of Accountants and Auditors Act, 1931*; and the said Association has by its petition prayed that an Act be passed changing its name and otherwise amending the said recited Acts as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Certified Public Accountants Act, 1936*.

### Change of name of association.

1926, c. 124.

**2.—(1)** The association incorporated by *The Association of Accountants and Auditors Act, 1926*, under the name of "The Association of Accountants and Auditors in Ontario" shall hereafter be known as and have the name of "The Certified Public Accountants Association of Ontario," and the said association shall be continued under that name.

### Citation of 1926, c. 124.

**(2)** *The Association of Accountants and Auditors Act, 1926*, may hereafter be cited as *The Certified Public Accountants Act, 1926*.

### Citation of 1931, c. 143.

**(3)** *The Association of Accountants and Auditors Act, 1931*, may hereafter be cited as *The Certified Public Accountants Act, 1931*.

### 1926, c. 124, s. 2, amended.

**3.** Section 2 of *The Association of Accountants and Auditors Act, 1926*, is amended by striking out the words "The Association of Accountants and Auditors in Ontario" where they occur in the fourth and fifth lines and inserting in lieu thereof the words "The Certified Public Accountants Association of Ontario."



1926, c. 124,  
s. 10,  
amended.

4. Section 10 of *The Association of Accountants and Auditors Act, 1926*, is amended by striking out the words "at least thirty days" where they occur in the third line and by inserting after the word "Ontario" where it occurs in the second line the words "who has taken the course of studies prescribed by the board" so that the said section shall now read as follows:

Right of  
persons  
to try  
examinations  
on  
application.

10. Any person over twenty-one years of age and of good moral character, residing in Ontario, who has taken the course of studies prescribed by the board, upon making written application to the board before the holding of the examination for admission to membership and upon paying the prescribed examination fees shall have the right to try such examination.

1926, c. 124,  
s. 12, subs. 1,  
amended.

5. Subsection 1 of section 12 of *The Association of Accountants and Auditors Act, 1926*, as amended by section 2 of *The Association of Accountants and Auditors Act, 1931*, is amended by striking out the words "Incorporated Public Accountant" and the initials "I.P.A." wherever they occur in the said subsection and inserting in lieu thereof respectively the words "Certified Public Accountant" and the initials "C.P.A."

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act respecting The Association of  
Accountants and Auditors in Ontario.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. BELANGER

---

(*Private Bill*)

No. 10

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act respecting The Association of Accountants and Auditors  
in Ontario.

---

MR. BELANGER

---



No. 10

1936

# BILL

## An Act respecting The Association of Accountants and Auditors in Ontario.

Preamble.

**W**HEREAS The Association of Accountants and Auditors in Ontario was incorporated by *The Association of Accountants and Auditors Act, 1926*, which said Act was amended by *The Association of Accountants and Auditors Act, 1931*; and the said Association has by its petition prayed that an Act be passed changing its name and otherwise amending the said recited Acts as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Certified Public Accountants Act, 1936*.

Change  
of name of  
association.

1926, c. 124.

**2.**—(1) The association incorporated by *The Association of Accountants and Auditors Act, 1926*, under the name of "The Association of Accountants and Auditors in Ontario" shall hereafter be known as and have the name of "The Certified Public Accountants Association of Ontario," and the said association shall be continued under that name.

Citation of  
1926, c. 124.

(2) *The Association of Accountants and Auditors Act, 1926*, may hereafter be cited as *The Certified Public Accountants Act, 1926*.

Citation of  
1931, c. 143.

(3) *The Association of Accountants and Auditors Act, 1931*, may hereafter be cited as *The Certified Public Accountants Act, 1931*.

1926, c. 124,  
s. 2,  
amended.

**3.** Section 2 of *The Association of Accountants and Auditors Act, 1926*, is amended by striking out the words "The Association of Accountants and Auditors in Ontario" where they occur in the fourth and fifth lines and inserting in lieu thereof the words "The Certified Public Accountants Association of Ontario."

4. Section 10 of *The Association of Accountants and Auditors Act, 1926*, is amended by striking out the words "at least thirty days" where they occur in the third line and by inserting after the word "Ontario" where it occurs in the second line the words "who has taken the course of studies prescribed by the board" so that the said section shall now read as follows:

10. Any person over twenty-one years of age and of good moral character, residing in Ontario, who has taken the course of studies prescribed by the board, upon making written application to the board before the holding of the examination for admission to membership and upon paying the prescribed examination fees shall have the right to try such examination.

5. Subsection 1 of section 12 of *The Association of Accountants and Auditors Act, 1926*, as amended by section 2 of *The Association of Accountants and Auditors Act, 1931*, is amended by striking out the words "Incorporated Public Accountant" and the initials "I.P.A." wherever they occur in the said subsection and inserting in lieu thereof respectively the words "Certified Public Accountant" and the initials "C.P.A."

6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting The Association of  
Accountants and Auditors in Ontario.

---

*1st Reading*

February 25th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

---

MR. BELANGER

---

No. 11

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the Township of York.

---

MR. GARDHOUSE

---

(PRIVATE BILL)

No. 11

1936

# BILL

## An Act respecting the Township of York.

Preamble.

**W**HEREAS the corporation of the township of York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of York Act, 1936*.

Municipal Board to fix rates for water, etc. under agreement between City of Toronto and Township of York.

2. Notwithstanding the provisions of paragraphs 23 and 24 of an agreement made between the corporation of the city of Toronto and the corporation of the township of York, dated the 18th day of July, 1916, a copy of which agreement is set out in Schedule "A" of *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, and notwithstanding the provisions of such Act, either party to the said agreement may from time to time apply to the Ontario Municipal Board to vary the rates to be charged for water supplied by the said city corporation under the terms of the said agreement or to settle any differences arising between the parties to the said agreement as to the construction thereof, or as to any matters relating to or arising out of the agreement, and the Ontario Municipal Board shall have jurisdiction to vary and fix the said rates, and to hear and determine any such application, and the decision of the said board on any such application shall be final and conclusive and shall not be subject to appeal.

1917, c. 98.

Filling vacancies in council.

Rev. Stat., c. 233.

3. Where the office of a deputy reeve or councillor in any ward of the said township becomes vacant on or prior to the 1st day of November in any year, or on or prior to the 1st day of October where a by-law has been passed under section 75 of *The Municipal Act*, and an election to fill the vacancy has not been ordered in a judicial proceeding, the clerk shall within one week after such vacancy occurs give notice thereof in writing to the Ontario Municipal Board. Unless the said board shall within two weeks after the giving





of such notice issue an Order, which Order the said board may make, directing that an election be held to fill the vacancy the council shall forthwith appoint some duly qualified elector to fill the vacancy for the remainder of the term of the member whose seat has become vacant. Where the office to be filled by council is that of a deputy reeve the council may appoint one of their own number to fill the office for the said remainder of the term.

Commence-  
ment of Act. 4. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting the Township of York.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. GARDHOUSE

---

*(Private Bill)*

No. 11

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the Township of York.

---

MR. GARDHOUSE

---

(PRIVATE BILL)

---

TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 11

1936

# BILL

## An Act respecting the Township of York.

Preamble.

**W**HEREAS the corporation of the township of York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of York Act, 1936*.

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Rev. Stat., c. 233.

3. Where the office of a deputy reeve or councillor in any ward of the said township becomes vacant on or prior to the 1st day of November in any year, or on or prior to the 1st day of October where a by-law has been passed under section 75 of *The Municipal Act*, and an election to fill the vacancy has not been ordered in a judicial proceeding, the clerk shall within one week after such vacancy occurs give notice thereof in writing to the Ontario Municipal Board. Unless the said board shall within two weeks after the giving



of such notice issue an Order, which Order the said board may make, directing that an election be held to fill the vacancy the council shall forthwith appoint some duly qualified elector to fill the vacancy for the remainder of the term of the member whose seat has become vacant. Where the office to be filled by council is that of a deputy reeve the council may appoint one of their own number to fill the office for the said remainder of the term.



1934,  
c. 104, s. 4,  
amended.

4. Section 4 of *The Township of York Act, 1934*, is amended by inserting after the words "county of York" in the second line the words "or with any person or corporation" and by striking out the words "the said corporations" in the sixth line and inserting in lieu thereof the words "the parties to any such agreement," so that the said section shall now read as follows:

Hospitaliza-  
tion of  
indigents.

4. The said corporation may enter into agreements with the corporation of the county of York, or with any person or corporation, in matters relating to hospitalization of indigent persons who are residents of the said township, and any such agreement when approved by the Minister of Health shall be legal, valid and binding upon the parties to any such agreement, and they shall have power to carry out their respective obligations and exercise their respective rights thereunder.



Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting the Township of York.

---

*1st Reading*

March 10th, 1936

*2nd Reading*

*3rd Reading*

---

MR. GARDHOUSE

---

(Reprinted as amended by the Committee on  
*Private Bills*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Township of York.

---

MR. GARDHOUSE

---

No. 11

1936

# BILL

## An Act respecting the Township of York.

Preamble.

**W**HEREAS the corporation of the township of York has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Township of York Act, 1936*.

Municipal  
Board to  
fix rates for  
water, etc.  
under agree-  
ment  
between  
City of  
Toronto and  
Township of  
York.

2. Notwithstanding the provisions of paragraphs 23 and 24 of an agreement made between the corporation of the city of Toronto and the corporation of the township of York, dated the 18th day of July, 1916, a copy of which agreement is set out in Schedule "A" of *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, and notwithstanding the provisions of such Act, either party to the said agreement may from time to time apply to the Ontario Municipal Board to vary the rates to be charged for water supplied by the said city corporation under the terms of the said agreement or to settle any differences arising between the parties to the said agreement as to the construction thereof, or as to any matters relating to or arising out of the agreement, and the Ontario Municipal Board shall have jurisdiction to vary and fix the said rates, and to hear and determine any such application, and the decision of the said board on any such application shall be final and conclusive and shall not be subject to appeal.

1917, c. 98.

Filling  
vacancies in  
council.

Rev. Stat.,  
c. 233.

3. Where the office of a deputy reeve or councillor in any ward of the said township becomes vacant on or prior to the 1st day of November in any year, or on or prior to the 1st day of October where a by-law has been passed under section 75 of *The Municipal Act*, and an election to fill the vacancy has not been ordered in a judicial proceeding, the clerk shall within one week after such vacancy occurs give notice thereof in writing to the Ontario Municipal Board. Unless the said board shall within two weeks after the giving

of such notice issue an Order, which Order the said board may make, directing that an election be held to fill the vacancy the council shall forthwith appoint some duly qualified elector to fill the vacancy for the remainder of the term of the member whose seat has become vacant. Where the office to be filled by council is that of a deputy reeve the council may appoint one of their own number to fill the office for the said remainder of the term.

4. Section 4 of *The Township of York Act, 1934*, is amended <sup>1934,</sup> by inserting after the words "county of York" in the second <sup>c. 104, s. 4,</sup> line the words "or with any person or corporation" and by <sup>amended.</sup> striking out the words "the said corporations" in the sixth line and inserting in lieu thereof the words "the parties to any such agreement," so that the said section shall now read as follows:

4. The said corporation may enter into agreements with <sup>Hospitaliza-</sup> the corporation of the county of York, or with any <sup>tion of</sup> person or corporation, in matters relating to hospi- <sup>indigents.</sup> talization of indigent persons who are residents of the said township, and any such agreement when approved by the Minister of Health shall be legal, valid and binding upon the parties to any such agreement, and they shall have power to carry out their respective obligations and exercise their respective rights thereunder.

5. This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent. <sup>ment of Act.</sup>



BILL

An Act respecting the Township of York.

---

*1st Reading*

March 10th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

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MR. GARDHOUSE

---

No. 12

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Barbers.

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MR. STRACHAN

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting Barbers.

### Preamble.

**W**HEREAS the Ontario Hairdressers and Barbers Association has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Barbers Act, 1936*.

### Interpretation.

**2.** In this Act,—

### "Barbering."

(a) "Barbering" shall mean shaving the face or cutting or trimming of the hair or beard and when done in connection with such shaving, cutting or trimming shall also include shampooing the head, face or scalp or massage or treatment of the face or head;

### "Board."

(b) "Board" shall mean the board appointed or elected under the provisions of this Act;

### "Regulations."

(c) "Regulations" shall mean the regulations made under the authority of this Act.

### Board of Examiners.

**3.** The Lieutenant-Governor in Council shall within two months from the coming into force of this Act appoint a board consisting of three persons who have been actively engaged in the occupation of barbering at least one year prior to their appointment, who shall hold office until the election of new members of the board in accordance with the regulations, two of whom shall be master barbers and the other an assistant barber. It shall be the duty of the board forthwith after appointment, to set up and to keep a register, subject to inspection, of all persons entitled to engage in the occupation of barbering, with the addresses of all such persons.

### Register.

**4.** There shall be entitled to register under the provisions of this Act:



- (a) Any person residing in Ontario, who for not less than six months prior to the passing of this Act, has engaged in, or been employed as an assistant in, the occupation of barbering, provided that such a person has applied in writing for such registration to the board, not later than the 1st day of October, 1936, and has produced evidence satisfactory to the board of having been so engaged or employed;
- (b) Any person who has passed the examinations prescribed by this Act.

Examina-  
tions.

5. The board shall, subject to the regulations, prescribe:

- (a) The subjects in which candidates for examination shall be examined;
- (b) Conduct examinations of such candidates and provide for and supervise the examination of such candidates.

Regulations.

6. The board may make regulations, subject to the approval of the Lieutenant-Governor in Council, prescribing:

- (a) The qualifications of persons entitled to enter examinations under this Act;
- (b) The fees to be paid upon registration under this Act;
- (c) The fees to be paid by candidates for examination under this Act;
- (d) Fixing the remuneration of the members of the board;
- (e) Fixing the salary to be paid to a secretary of the board;
- (f) Providing for the holding of elections by the registered barbers of the members of the board on each third Tuesday of February after the coming into force of this Act, and designating the number of years, not exceeding three, that such elected members, or any of them, shall hold office;
- (g) Relating to the sanitation of all barber shops within the Province, and regulating the use of sanitary appliances and equipment in all such shops;
- (h) Administering the fees paid under the provisions of this Act;





- (i) For setting up or keeping posted the register provided under this Act:
- (j) For the suspension from the register of any persons disregarding the provisions of this Act or the regulations;
- (k) For the furnishing of certificates to registered barbers and requiring such certificates to be displayed at the place of business of such barbers;
- (l) Generally, for the better carrying out of the provisions of this Act.

Quorum.

**7.** Any two members of the board shall form a quorum.

Audit.

**8.** The revenues and expenditures of the board shall be audited by a chartered accountant, and the fees, salary or other remuneration paid to the board or to its secretary, shall be paid out of the fees received under the provisions of this Act, and shall in all cases be subject to the approval of the Lieutenant-Governor in Council.

Penalty for engaging in barbering without being registered.

**9.** Every person who after six months from the coming into force of this Act, not being registered under the provisions of this Act, engages in the occupation of barbering, or displays any sign or card, or device, or advertises, for the purpose of, or with the view of, indicating to the public that he is engaged in the occupation of barbering, shall be guilty of an offence against this Act, and shall incur a penalty of of not more than \$25, and of not less than \$25 and not more than \$100 for any subsequent offence.

Prohibition of premiums.

**10.** Any person engaged in the occupation of barbering who directly or indirectly offers, gives or pays to any customer any premium, gift or other thing in consideration of the employment of such person or to induce any one to employ such person, shall incur a penalty of not more than \$25, and not less than \$25 and not more than \$100 for any subsequent offence.

Recovery of penalties.  
Rev. Stat.,  
c. 121.

**11.** Every penalty imposed by this Act or by the regulations, shall be recoverable under *The Summary Convictions Act*.

Non-application of Act.

**12.** Nothing in this Act or the regulations contained shall be construed to include, affect or apply to any person who carries on a beauty parlour or hairdressing shop for women and children only or who engages exclusively in the occupation of a ladies and children's hairdresser or hair



waving or scalp treatments for men when such waving or treatment is not done in connection with barbering.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting Barbers.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

---

*(Private Bill)*

No. 13

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Association of Professional Engineers.

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MR. CLARK

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Association of Professional Engineers.

Preamble.

**W**HEREAS the Association of Professional Engineers of the Province of Ontario has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Professional Engineers Amendment Act, 1936*.

Rev. Stat.,  
c. 206, s. 1,  
amended.

**2.—(1)** Section 1 of *The Professional Engineers Act* is amended by adding thereto the following clause:

"Professional Engineer."

(ff) "Professional Engineer" shall mean a person who practises professional engineering.

Rev. Stat.,  
c. 206, s. 1,  
amended.

**(2)** The said section 1 is further amended by adding thereto the following subsection:

When Act  
not a bar to  
practise  
profession,  
etc.

**(2)** Nothing in this Act contained shall prevent or be deemed to prevent

- (a) any person from performing his duties in His Majesty's naval, military or aerial services;
- (b) any architect registered under *The Architects Act, 1935*, from practising his profession;
- (c) any person from practising his trade, or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act, 1932*;



- (d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist or physicist;
- (e) any person from advising on, or reporting on any mineral property or prospect or from advising on, reporting on, designing, or supervising the construction of any mining plant, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, or equipment, apparatus, or plant, or anything in connection therewith for carrying out such operations, or chemical machinery, apparatus or processes;
- (f) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master;

Proviso  
as to use  
of title.

or to require any such person to become registered or licensed under the provisions of this Act to so perform or practise, provided that no such person shall in any way describe or designate himself as a professional engineer unless and until he has become registered or licensed as such under the provisions of this Act.

Rev. Stat.,  
c. 206, s. 12,  
subs. 1  
amended.

**3.** Subsection 1 of section 12 of *The Professional Engineers Act* is amended by inserting after the word "shall" in the second line the words "be a resident of the Province of Ontario and shall", and by inserting after the word "his" in the fourth line the word "engineering" and by striking out the words "as an engineer or surveyor" in said fourth line so that the said subsection shall now read as follows:

Statement  
to be  
submitted  
to council.

- (1) Any person who applies for membership in the Association after one year from the passing of this Act shall be a resident of the Province of Ontario and shall submit to the Council with his application a statement giving a summary of his engineering experience which statement shall be made upon the forms prescribed by the Council.

Rev. Stat.,  
c. 206, s. 16,  
amended.

**4.** Section 16 of *The Professional Engineers Act* is amended by adding thereto the following subsection:

Form and  
period of  
license.

- (5) Any such license granted under the provisions of this section shall be in the form and be limited to the period provided by subsection 2 of section 26.





Rev. Stat.,  
c. 206, s. 18,  
subs. 1,  
amended.

5. Subsection 1 of section 18 of *The Professional Engineers Act* is amended by inserting after the word "title" in the sixth line the words "'Professional Engineer' or."

Rev. Stat.,  
c. 206, s. 19,  
repealed.

6. Section 19 of *The Professional Engineers Act* is repealed.

Rev. Stat.,  
c. 206, s. 29,  
subs. 1,  
amended.

7. Subsection 1 of section 29 of *The Professional Engineers Act* is amended by inserting after the word "registrar" in the fourth line the words "upon the direction of the council."

Rev. Stat.,  
c. 206, s. 33,  
amended.

8.—(1) Clause *b* of section 33 of *The Professional Engineers Act* is amended by inserting after the word "out" in the first line the words "or conducts himself" and by adding at the end thereof the words "or professional engineer" so that the said clause shall now read as follows:

(b) advertises or holds himself out or conducts himself in any way or by any means as a member of the Association or professional engineer.

Rev. Stat.,  
c. 206, s. 33,  
clause added.

(2) The said section 33 is amended by adding thereto the following clause:

(c) except as provided by subsection 2 of section 1, engages in the practice of professional engineering.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act respecting the Association of  
Professional Engineers.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CLARK

---

*(Private Bill)*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting The Incorporated Synod of the Diocese of Toronto.

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MR. HUNTER

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(PRIVATE BILL)

# BILL

## An Act respecting The Incorporated Synod of the Diocese of Toronto.

Preamble.

**W**HEREAS The Incorporated Synod of the Diocese of Toronto has by its petition represented that it was incorporated by an Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chapter 51, entitled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, and that doubts have arisen as to the power of the said Corporation to borrow money on the credit of the Corporation, and also that it is desirable to amend the provisions of an Act passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, chapter 97, entitled *An Act to simplify the Sales of Property held in trust for the Church of England in the Diocese of Toronto*, and the said Synod has prayed that an Act may be passed to remove the said doubts and to amend the said last mentioned Act; and whereas it is expedient to grant the prayer of the said petition;

1868-9, c. 51.

1889, c. 97.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Incorporated Synod of the Diocese of Toronto Act, 1936*.

Borrowing power.

2. The Incorporated Synod of the Diocese of Toronto may borrow money on the credit of the corporation for its purposes in such amounts on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the corporation.

Power to mortgage.

3. The said corporation may borrow moneys on mortgage security of the real estate of the corporation for any of its purposes.

Lenders not bound as to application of loans.

4. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the





corporation shall not be obliged to see to the application of the said moneys or any part thereof.

1889, c. 97,  
s. 5,  
amended.

**5.** Section 5 of the said Act, being chapter 97 of the Statutes of Ontario, 1889, is amended by inserting after the word "Synod" in the ninth line the words "or by his commissary and by the Secretary-Treasurer or" and by striking out the word "and" in the tenth line.

Commence-  
ment of Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.







An Act respecting The Incorporated Synod  
of the Diocese of Toronto.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

---

*(Private Bill)*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting The Incorporated Synod of the Diocese of Toronto.

---

MR. HUNTER

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# BILL

## An Act respecting The Incorporated Synod of the Diocese of Toronto.

Preamble.

**W**HEREAS The Incorporated Synod of the Diocese of Toronto has by its petition represented that it was incorporated by an Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chapter 51, 1868-9, c. 51. entitled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, and that doubts have arisen as to the power of the said Corporation to borrow money on the credit of the Corporation, and also that it is desirable to amend the provisions of an Act passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, chapter 97, entitled 1889, c. 97. *An Act to simplify the Sales of Property held in trust for the Church of England in the Diocese of Toronto*, and the said Synod has prayed that an Act may be passed to remove the said doubts and to amend the said last mentioned Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Incorporated Synod of the Diocese of Toronto Act, 1936*.

Borrowing power.

2. The Incorporated Synod of the Diocese of Toronto may borrow money on the credit of the corporation for its purposes in such amounts on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the corporation.

Power to mortgage.

3. The said corporation may borrow moneys on mortgage security of the real estate of the corporation for any of its purposes.

Lenders not bound as to application of loans.

4. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the

corporation shall not be obliged to see to the application of the said moneys or any part thereof.

**5.** Section 5 of the said Act, being chapter 97 of the Statutes 1889, c. 97, of Ontario, 1889, is amended by inserting after the word <sup>s. 5,</sup> amended. "Synod" in the ninth line the words "or by his commissary and by the Secretary-Treasurer or" and by striking out the word "and" in the tenth line.

**6.** This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent. <sup>ment of Act.</sup>

BILL

An Act respecting The Incorporated Synod  
of the Diocese of Toronto.

---

*1st Reading*

February 25th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. HUNTER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting The Dean and Chapter of the Cathedral of  
St. Alban the Martyr, Toronto.

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MR. HUNTER

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(PRIVATE BILL)

# BILL

## An Act respecting The Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

### Preamble.

**W**HEREAS The Dean and Chapter of the Cathedral of St. Alban the Martyr, in connection with the Church of England in Canada, incorporated under the provisions of chapter 63 of the Statutes of Ontario, 1883, has by its petition prayed that its said incorporation be terminated and dissolved, and that all its lands and premises and all other of its property and assets, real and personal, be vested in The Incorporated Synod of the Diocese of Toronto, with the consent of the said Synod, subject to all trusts, if any, relating thereto, except as hereinafter varied, and to all charges and encumbrances thereon, and to all debts and liabilities of the said Dean and Chapter; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

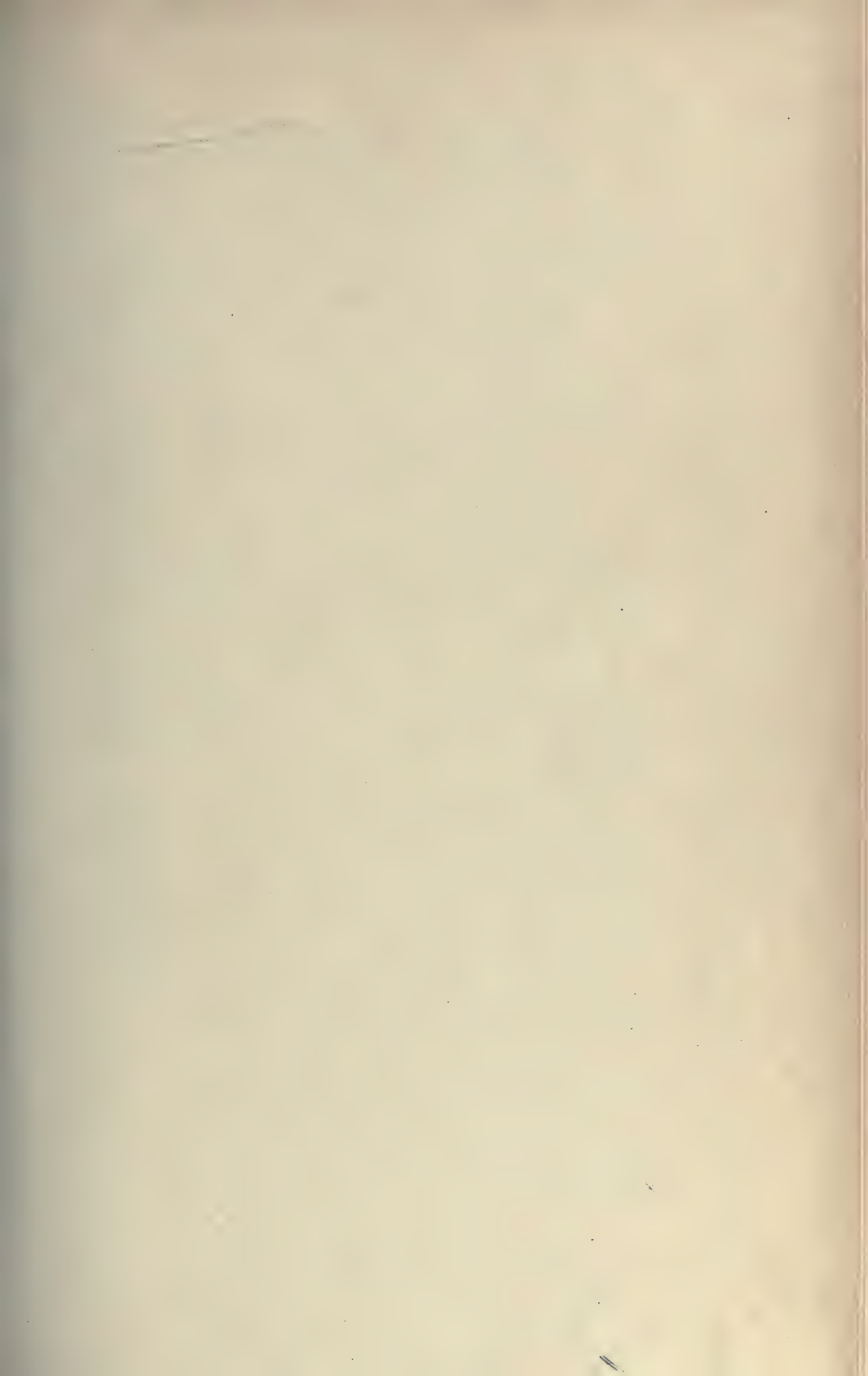
1. This Act may be cited as *The Dean and Chapter of St. Albans Cathedral Act, 1936*.

### Vesting of certain lands and premises, etc.

2. The lands and premises belonging to the said The Dean and Chapter of the Cathedral of St. Alban the Martyr, hereinafter particularly described, and all other property and assets, real and personal, of the said The Dean and Chapter of the Cathedral of St. Alban the Martyr are hereby vested in The Incorporated Synod of the Diocese of Toronto, its successors and assigns, subject to the payment and discharge of all charges thereon and to all debts and liabilities of the said Dean and Chapter in so far as the said property and assets which shall come to the hands of the said Synod will permit and allow; to hold the said property and assets upon the following trusts:

- (a) Upon trust to pay and discharge all charges thereon and all debts and liabilities of the said Dean and Chapter in so far as the said property and assets which shall come to the hands of the said Synod will permit and allow;







- (b) Upon trust to hold the said property and assets for the parish of the Memorial Church of St. Alban the Martyr, heretofore known as the Cathedral of St. Alban the Martyr, when and so soon as the parish shall be erected free from any trust relating to the establishment or maintenance of the said property and assets for the purposes of a Diocesan Cathedral, but in all other respects subject to any and all trusts, if any, relating to the said property and assets upon and subject to which the same have been and are now held by the said Dean and Chapter;
- (c) Until the erection of the parish upon trust to maintain the said the Memorial Church of St. Alban the Martyr and to provide the services of the Church in and for the said Memorial Church;

Provided that the costs thereof, and of and incidental to the obtaining of this Act and the transfer of the property and assets shall be a charge on the said property and assets which shall come to the hands of the said The Incorporated Synod of the Diocese of Toronto.

Dissolution  
of  
Cathedral  
corporation.

**3.** The incorporation of The Dean and Chapter of the Cathedral of St. Alban the Martyr, constituted and established by section 1 of chapter 63 of the Statutes of Ontario, 1883, is hereby terminated, and the said corporation is hereby dissolved.

Description  
of lands.

**4.** The lands and premises hereby vested in The Incorporated Synod of the Diocese of Toronto are particularly described as follows, namely:—All and singular those certain parcels of land situate in the city of Toronto, in the county of York, composed of lots numbers 99, 100, 101, 122, 123 and 124 on the north side of Barton Avenue according to registered plan number 608, also lots numbers 104 and 119 and those parts of lots numbers 105 and 118 lying south of a line drawn parallel to Wells Street at the distance of three hundred feet therefrom according to the said plan.

Vesting of  
other gifts.

**5.** Any gift, by Will or otherwise, which has been or shall hereafter be made to or in trust for the said Dean and Chapter or the Cathedral of St. Alban the Martyr shall be deemed to be a gift to The Incorporated Synod of the Diocese of Toronto upon the same trusts as those upon which the said Synod shall hold the property and assets hereinbefore vested in the said Synod.

Evidence  
of transfer  
of title to  
lands.

**6.**—(1) A copy of this Act under the hand and seal of the Provincial Secretary may be registered on the general



register of any registering office in any registry division in which the said lands or any other lands of the said Dean and Chapter are situate, and if this Act is recited in any deed, conveyance, mortgage, lease or other instrument which it may be necessary for The Incorporated Synod of the Diocese of Toronto to execute with respect to any such lands, it shall be sufficient evidence for all purposes of the transfer of title from the said Dean and Chapter to the said Synod.

Transfer of  
assets after  
dissolution.

(2) Notwithstanding the dissolution of the said Dean and Chapter as a corporation, the said Synod may appoint some person or persons, as may become necessary or expedient, with power to assign, transfer and set over unto the said Synod any assets or property of the said Dean and Chapter which prior to the time of its dissolution had not been assigned, transferred and set over, and are still in the name of the said Dean and Chapter, so that the same shall be fully and effectually vested in the said Synod.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting The Dean and Chapter  
of the Cathedral of St. Alban the Martyr,  
Toronto.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

---

(*Private Bill*)

No. 15

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting The Dean and Chapter of the Cathedral of  
St. Alban the Martyr, Toronto.

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MR. HUNTER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting The Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

### Preamble.

**W**HEREAS The Dean and Chapter of the Cathedral of St. Alban the Martyr, in connection with the Church of England in Canada, incorporated under the provisions of chapter 63 of the Statutes of Ontario, 1883, has by its petition prayed that its said incorporation be terminated and dissolved, and that all its lands and premises and all other of its property and assets, real and personal, be vested in The Incorporated Synod of the Diocese of Toronto, with the consent of the said Synod, subject to all trusts, if any, relating thereto, except as hereinafter varied, and to all charges and encumbrances thereon, and to all debts and liabilities of the said Dean and Chapter; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

1. This Act may be cited as *The Dean and Chapter of St. Albans Cathedral Act, 1936*.

### Vesting of certain lands and premises, etc.

2. The lands and premises belonging to the said The Dean and Chapter of the Cathedral of St. Alban the Martyr, hereinafter particularly described, and all other property and assets, real and personal, of the said The Dean and Chapter of the Cathedral of St. Alban the Martyr are hereby vested in The Incorporated Synod of the Diocese of Toronto, its successors and assigns, subject to the payment and discharge of all charges thereon and to all debts and liabilities of the said Dean and Chapter in so far as the said property and assets which shall come to the hands of the said Synod will permit and allow; to hold the said property and assets upon the following trusts:

- (a) Upon trust to pay and discharge all charges thereon and all debts and liabilities of the said Dean and Chapter in so far as the said property and assets which shall come to the hands of the said Synod will permit and allow;

- (b) Upon trust to hold the said property and assets for the parish of the Memorial Church of St. Alban the Martyr, heretofore known as the Cathedral of St. Alban the Martyr, when and so soon as the parish shall be erected free from any trust relating to the establishment or maintenance of the said property and assets for the purposes of a Diocesan Cathedral, but in all other respects subject to any and all trusts, if any, relating to the said property and assets upon and subject to which the same have been and are now held by the said Dean and Chapter;
- (c) Until the erection of the parish upon trust to maintain the said the Memorial Church of St. Alban the Martyr and to provide the services of the Church in and for the said Memorial Church;

Provided that the costs thereof, and of and incidental to the obtaining of this Act and the transfer of the property and assets shall be a charge on the said property and assets which shall come to the hands of the said The Incorporated Synod of the Diocese of Toronto.

3. The incorporation of The Dean and Chapter of the Cathedral of St. Alban the Martyr, constituted and established by section 1 of chapter 63 of the Statutes of Ontario, 1883, is hereby terminated, and the said corporation is hereby dissolved. Dissolution of Cathedral corporation.

4. The lands and premises hereby vested in The Incorporated Synod of the Diocese of Toronto are particularly described as follows, namely:—All and singular those certain parcels of land situate in the city of Toronto, in the county of York, composed of lots numbers 99, 100, 101, 122, 123 and 124 on the north side of Barton Avenue according to registered plan number 608, also lots numbers 104 and 119 and those parts of lots numbers 105 and 118 lying south of a line drawn parallel to Wells Street at the distance of three hundred feet therefrom according to the said plan. Description of lands.

5. Any gift, by Will or otherwise, which has been or shall hereafter be made to or in trust for the said Dean and Chapter of the Cathedral of St. Alban the Martyr shall be deemed to be a gift to The Incorporated Synod of the Diocese of Toronto upon the same trusts as those upon which the said Synod shall hold the property and assets hereinbefore vested in the said Synod. Vesting of other gifts.

6.—(1) A copy of this Act under the hand and seal of the Provincial Secretary may be registered on the general Evidence of transfer of title to lands.

register of any registering office in any registry division in which the said lands or any other lands of the said Dean and Chapter are situate, and if this Act is recited in any deed, conveyance, mortgage, lease or other instrument which it may be necessary for The Incorporated Synod of the Diocese of Toronto to execute with respect to any such lands, it shall be sufficient evidence for all purposes of the transfer of title from the said Dean and Chapter to the said Synod.

Transfer of  
assets after  
dissolution.

(2) Notwithstanding the dissolution of the said Dean and Chapter as a corporation, the said Synod may appoint some person or persons, as may become necessary or expedient, with power to assign, transfer and set over unto the said Synod any assets or property of the said Dean and Chapter which prior to the time of its dissolution had not been assigned, transferred and set over, and are still in the name of the said Dean and Chapter, so that the same shall be fully and effectually vested in the said Synod.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act respecting The Dean and Chapter  
of the Cathedral of St. Alban the Martyr,  
Toronto.

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*1st Reading*

February 27th, 1936

*2nd Reading*

March 13th, 1936

*3rd Reading*

March 20th, 1936

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MR. HUNTER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Hairdressers and Barbers.

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MR. GARDHOUSE

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(PRIVATE BILL)

# BILL

## An Act respecting Hairdressers and Barbers.

### Preamble.

**W**HEREAS the Association of Registered Hairdressers and Barbers of Ontario has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Hairdressers and Barbers Act, 1936.*

### Interpretation.

**2.** In this Act,—

### "Articled Student."

(a) "Articled Student" shall mean a person eighteen years of age or over who has been duly registered as a student at any school authorized under this Act;

### "Board."

(b) "Board" shall mean board of examiners appointed under this Act;

### "Hair-dressers and Barbers."

(c) "Hairdressers and Barbers" shall mean and include any person who for hire or gain, shaves or trims the beard or cuts or removes the hair, gives facial or scalp massages, or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, singes, shampoos, arranges, dresses, curls, waves or dyes the hair, or applies hair tonics, cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face or neck, or makes, or sells to the public artificial hairpieces;

### "Minister."

(d) "Minister" shall mean the Minister of Health for Ontario;

### "Regulations."

(e) "Regulations" shall mean regulations made under the authority of this Act.



Board of  
Examiners.

3.—(1) The Lieutenant-Governor in Council may appoint a board of five persons to be known as "The Board of Examiners for the Hairdressers and Barbers of Ontario" consisting of one qualified hairdresser employer, one qualified hairdresser employee, one qualified barber employer, one qualified barber employee and one hairdresser and barber, who shall hold office for such term and be paid such fees or other remuneration as may be determined by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council shall designate the chairman of the board.

Removal  
from office.

(2) A member of the board may be removed from office by the Lieutenant-Governor in Council at any time.

Quorum.

(3) Any three members of the board shall constitute a quorum and the decision of the majority of the board shall be final and binding upon the board.

Vice-  
chairman.

(4) The board shall appoint a vice-chairman, who in case of the absence of the chairman, or his inability to act, shall have all the powers and duties of the chairman.

Secretary-  
treasurer.

(5) The board shall appoint a secretary-treasurer, who need not be a qualified hairdresser or barber, and who shall hold office during the pleasure of the board. The board may engage any other officers, clerks and assistants as may be required for the carrying out of this Act.

Funds of  
board.

(6) All moneys, funds and securities belonging to the board shall be held in its name and all moneys shall be withdrawn by the secretary-treasurer on the order of the chairman and securities shall be purchased or sold by the secretary-treasurer on the order of the chairman. All transactions of the chairman and secretary-treasurer shall be subject to the approval of the majority of the board sitting at its next regular meeting.

Meetings of  
board.

4.—(1) The board shall hold meetings at least once a month, at such time and place as may be deemed advisable by the majority of the members of the board and may also hold additional meetings at the call of the chairman, vice-chairman or any three members of the board.

Notice of  
meetings.

(2) Notice of every meeting, whether general or special, shall be sent by the secretary by registered prepaid post to each member at his address as last entered upon the register at least seven days before the date of the holding of the meeting. A meeting of the board may be held at any time and place, providing all members are present and waive notice of such meeting and consent to the transaction of business at such meeting.





Power of  
chairman or  
vice-chair-  
man acting  
for board.

5.—(1) Where owing to the urgent nature of any situation requiring the consideration of the board, it is impossible to convene a meeting, the chairman, or in case of his absence or inability to act, the vice-chairman shall act as and for the board and shall report the circumstances of the case and the action taken thereon at the next meeting of the board.

Effect of  
decision of  
chairman or  
vice-  
chairman.

(2) The decision of the chairman or vice-chairman in such circumstances shall, subject to the provisions of section 11, be final and binding unless reversed or altered by the board at its next meeting.

Regulations.

6.—(1) The board may make regulations,—

- (a) for the establishment of new, or the approval of existing schools for the teaching of hairdressing and/or barbering, or for the conducting of special courses of instruction in hairdressing and/or barbering;
- (b) for the registration of students and fees payable thereon;
- (c) prescribing the course of training and training and instruction of students;
- (d) providing for the examination of candidates and the fees payable thereon;
- (e) for issuing certificates of qualification, licenses or permits to hairdressers and/or barbers, and the duration of such certificates, license or licenses, and the renewals of same, and providing for the fees payable thereon;
- (f) for issuing licenses for engaging in and carrying on business as hairdressers and/or barbers and renewals of same and providing for the fees payable thereon;
- (g) prescribing the cause for which any license or certificate may be revoked, cancelled or suspended and prescribing the conditions as to notice, place of hearing, representation of parties by counsel, manner of taking evidence and the effect of the order to be made on a hearing for the suspension or revocation of any license or certificate;
- (h) for the inspection, regulation and approval by the Department of Health for Ontario of the premises, accommodation and equipment of hairdressers and barbers;



- (i) prescribing the powers and duties of the chairman, vice-chairman, secretary-treasurer, or any other officer or employee of the board;
- (j) specifying what shall be considered infamous or disgraceful conduct on the part of a hairdresser and/or barber;
- (k) fixing the fees or other remuneration and expenses to be paid to the members, officers and employees of the board;
- (l) regulating the advertising of hairdressers and/or barbers registered under this Act;
- (m) generally for the better carrying out of the provisions of this Act.

Approval  
and promul-  
gation.

(2) The regulations as provided for herein shall not come into force or take effect until they have been approved of by the Lieutenant-Governor in Council and such approval has been published in the *Ontario Gazette*.

Register.

7. The board shall provide a register, which shall be kept by the secretary-treasurer, and in which shall be entered the name and address of every person to whom and the date upon which a certificate of qualification is granted.

Who may  
receive a  
license.

8.—(1) Any person who is a hairdresser and/or barber at the time of the passing of this Act and applies to the board for a license on or before the 1st day of October, 1936, shall, upon furnishing such evidence of freedom from communicable disease, and of experience the board may require, and upon payment of the prescribed fee, be entitled to receive a license from the board.

Application  
for license.

(2) Any other person who desires to carry on the trade of hairdressing and/or barbering, or be employed as a hairdresser and/or barber, shall make application for license in accordance with the regulations.

Renewal of  
licenses.

9. The licenses or permits issued under the authority of this Act shall be renewable on the 1st day of January in each year and shall be payable on or before the 1st day of February of said year, and may be suspended or revoked by the board on such evidence as in the opinion of the board warrants such suspension or revocation; provided that such revocation of a license or permit can only be effected by a four-fifths vote of the board. Notice of cancellation, revocation or suspension shall forthwith be sent by registered prepaid post by the secretary to the said person at his address as last entered on the register.



Appeal to  
Minister.

**10.** Any person who feels himself aggrieved by the decision of the board may, within fifteen days from the date of the posting of the notice of the decision of the board, appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final and binding.

Report of  
board.

**11.** The board shall make a report to the Minister on or before the 31st day of January in each year showing:

- (a) the names of all licensed hairdressers and/or barbers specifying whether hairdressers or barbers and the name of the firm, if any, with which each is associated;
- (b) the number of new certificates granted during the preceding year and the names and addresses of the persons to whom granted;
- (c) the number of applications for certificates refused during the preceding year and the cause for refusing the same;
- (d) the number of certificates revoked, cancelled or suspended during the preceding year and the cause of same;
- (e) the amount of fees received from candidates or holders of certificates, licenses or permits during the preceding year;
- (f) a statement setting out in detail the revenue and expenditure during the year ending the 31st of December next preceding the report, indicating the assets and liabilities at the end of the year;
- (g) such other matters as may be directed by the Minister or by the Lieutenant-Governor in Council.

Audit and  
disposition  
of funds.

**12.** The revenues and expenditures of the board shall be audited by a chartered accountant, and the fees, salary or other remuneration and expenses of the board shall be paid out of the revenue. The board shall place fifty per centum of the net revenue, after payment of all expenses for the year, in a reserve fund to be used for the purposes of the members registered under this Act and for the improving of the conditions of hairdressers and barbers in Ontario, and the balance shall be applied in the administering of this Act. The fund so provided for and retained by the board shall be invested in trustee investments and shall be under the jurisdiction of the board.





Sparsely settled rural areas.

**13.**—(1) For the purpose of serving the public in sparsely settled areas in the province, the board shall have discretionary power to grant a permit enabling an applicant not fully qualified under this Act to receive a certificate of qualification as a hairdresser and/or barber.

Term of special permit.

(2) The permit provided for in this section may be renewed annually or may be cancelled on any date by the board.

License to be put up in office.

**14.** A license held by any person under this Act shall at all times be exposed to view in the place of business of such person or in the place of business in which they are employed and failure to keep such license so displayed shall, *prima facie*, be evidence that such person is not licensed under this Act.

Penalty.

**15.** Every person, including an assistant or attendant, who, not being a holder of a license or a permit as a hairdresser and/or barber issued by the board under this Act for the current year, or who during the time that his license is suspended or revoked under the provisions of this Act, attempts the practice of hairdressing and/or barbering or holds himself out as a hairdresser and/or barber, or uses any sign, letters, words or abbreviation implying that he is a hairdresser and/or barber shall incur a penalty not exceeding \$25 for each and every offence; but this section shall not apply to any registered or articulated student working under the direct and personal supervision of a teacher of any hairdressing and/or barbering school authorized under this Act.

Regulations by Department of Health.

**16.** The Department of Health, subject to the approval of the Lieutenant-Governor in Council, may make regulations:

- (a) prescribing the sanitary precautions to be used by hairdressers and/or barbers;
- (b) prescribing the method of sterilizing or cleaning any articles kept or used in a barber shop or hairdressing establishment or in the occupation of a hairdresser and/or barber;
- (c) prescribing the conditions in which hairdressers and/or barbers shall keep their person and clothing while engaged in their occupation;
- (d) regulating or prohibiting the treatment by hairdressers and/or barbers of dead bodies or of persons who are suffering from any communicable disease;
- (e) prescribing the penalties incurred for violation of any regulations made under this section and for the suspension or revocation of the license of any hairdresser and/or barber found guilty of such violation.



Enforce-  
ment.

**17.—**(1) The regulations made under section 16 shall be enforced by officers of the Department of Health for Ontario or by any one appointed by it.

Copy of  
regulations  
to be trans-  
mitted to  
hairdressers  
and barbers.

(2) A copy of the regulations made under section 16 shall be delivered or transmitted by the board to every licensed hairdresser and/or barber who shall display such copy in a prominent place in the shop in which they carry on their business.

Tuberculosis  
or venereal  
disease.

**18.—**(1) No hairdresser and/or barber who has any form of tuberculosis, or venereal disease, or any contagious or infectious disease shall carry on his business, and no license or renewal thereof shall be granted to any such hairdresser and/or barber. Before any applicant shall be granted a certificate or license or a renewal, such person shall furnish the board with a medical certificate of a duly qualified medical practitioner of the province of Ontario that such applicant is free from such diseases, on the date of such application.

Penalty.

(2) Every person who knowingly contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$50.

Entry by  
officials.

**19.** Any member of the board or any officer of the Department of Health for Ontario or any person appointed by the board or by the said department may enter the place of business of any hairdresser and/or barber and make such inspection thereof as may be necessary to determine whether the provisions of this Act and the regulations are being complied with.

Penalty for  
interference.

**20.** Any person who interferes with or obstructs a member of the board or other officer, inspector or person mentioned in section 15 in the exercise of the powers conferred on him by this Act shall be guilty of an offence and shall incur a penalty not exceeding \$200.

Application  
of Rev. Stat.,  
c. 121.

**21.** The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Application  
of Rev. Stat.,  
c. 120.

**22.** *The Public Authorities Protection Act* shall apply to the members and officers of the board.

Commence-  
ment of Act.

**23.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting Hairdressers and  
Barbers.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. GARDHOUSE

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Corporation of the Township of the Front of  
Leeds and Lansdowne.

---

MR. FULFORD

---

(PRIVATE BILL)



No. 17

1936

# BILL

An Act respecting the Corporation of Township of  
the Front of Leeds and Lansdowne.

Preamble.

**W**HEREAS the Corporation of the Township of the Front of Leeds and Lansdowne has by its petition prayed that an Act may be passed exempting Thousand Islands Bridge Company from all municipal taxation, including school taxes, for a period of ten years from the date of completion of the bridge to be erected by the said company from a point at or near Ivy Lea, in the said township, across the Saint Lawrence River and islands therein to a point at or near Collins Landing, in the county of Jefferson, in the State of New York, one of the United States of America, in respect to that portion of said bridge within the said township; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Township of the Front of Leeds and Lansdowne Act, 1936*.

Exemption  
of bridge  
undertaking  
from local  
taxation.

**2.** The Thousand Islands Bridge Company and its bridge undertaking and all lands of the company pertaining thereto shall be exempt within the township of the Front of Leeds and Lansdowne from municipal taxation, including taxation for school purposes, for a period of ten years from the date of completion of the bridge to be erected by the said company.

When  
exemption  
becomes  
effective.

**3.** The said bridge shall be deemed to be completed for the purpose of this Act on the date upon which it is formally opened for public traffic.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting the Corporation of the  
Township of the Front of Leeds and  
Lansdowne.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. FULFORD

---

*(Private Bill)*

No. 17

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Corporation of the Township of the Front of  
Leeds and Lansdowne.

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MR. FULFORD

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Corporation of Township of the Front of Leeds and Lansdowne.

### Preamble.

**W**HEREAS the Corporation of the Township of the Front of Leeds and Lansdowne has by its petition prayed that an Act may be passed exempting Thousand Islands Bridge Company from all municipal taxation, including school taxes, for a period of ten years from the date of completion of the bridge to be erected by the said company from a point at or near Ivy Lea, in the said township, across the Saint Lawrence River and islands therein to a point at or near Collins Landing, in the county of Jefferson, in the State of New York, one of the United States of America, in respect to that portion of said bridge within the said township; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Township of the Front of Leeds and Lansdowne Act, 1936*.

### Exemption of bridge undertaking from local taxation.

**2.** The Thousand Islands Bridge Company and its bridge undertaking and all lands of the company pertaining thereto shall be exempt within the township of the Front of Leeds and Lansdowne from municipal taxation, including taxation for school purposes, for a period of ten years from the date of completion of the bridge to be erected by the said company.

### When exemption becomes effective.

**3.** The said bridge shall be deemed to be completed for the purpose of this Act on the date upon which it is formally opened for public traffic, such date to be evidenced by a certificate signed by the president of the said company and filed with the Minister of Municipal Affairs for Ontario within thirty days after the said opening.

### Commencement of Act.

**4.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.





# BILL

An Act respecting the Corporation of the  
Township of the Front of Leeds and  
Lansdowne.

---

## *1st Reading*

March 10th, 1936

## *2nd Reading*

## *3rd Reading*

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MR. FULFORD

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(Reprinted as amended by the Committee on  
*Private Bills.*)

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No. 17

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Corporation of the Township of the Front of  
Leeds and Lansdowne.

---

MR. FULFORD

---

No. 17

1936

# BILL

## An Act respecting the Corporation of Township of the Front of Leeds and Lansdowne.

Preamble.

**W**HEREAS the Corporation of the Township of the Front of Leeds and Lansdowne has by its petition prayed that an Act may be passed exempting Thousand Islands Bridge Company from all municipal taxation, including school taxes, for a period of ten years from the date of completion of the bridge to be erected by the said company from a point at or near Ivy Lea, in the said township, across the Saint Lawrence River and islands therein to a point at or near Collins Landing, in the county of Jefferson, in the State of New York, one of the United States of America, in respect to that portion of said bridge within the said township; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Township of the Front of Leeds and Lansdowne Act, 1936*.

Exemption  
of bridge  
undertaking  
from local  
taxation.

**2.** The Thousand Islands Bridge Company and its bridge undertaking and all lands of the company pertaining thereto shall be exempt within the township of the Front of Leeds and Lansdowne from municipal taxation, including taxation for school purposes, for a period of ten years from the date of completion of the bridge to be erected by the said company.

When  
exemption  
becomes  
effective.

**3.** The said bridge shall be deemed to be completed for the purpose of this Act on the date upon which it is formally opened for public traffic, such date to be evidenced by a certificate signed by the president of the said company and filed with the Minister of Municipal Affairs for Ontario within thirty days after the said opening.

Commence-  
ment of Act.

**4.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



An Act respecting the Corporation of the  
Township of the Front of Leeds and  
Lansdowne.

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*1st Reading*

March 10th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. FULFORD

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No. 18

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Village of Forest Hill.

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MR. KIRBY

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the Village of Forest Hill.

### Preamble.

**W**HEREAS the corporation of the village of Forest Hill has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Village of Forest Hill Act, 1936*.

### Extensions, etc., of electrical distribution system in the village.

**2.—(1)** The corporation of the village of Forest Hill may pass by-laws to provide for the extension, improvement or completion of the electrical system now constructed within the said village for the supply of electrical power or energy, or in the alternative, with the consent of the council of the corporation of the township of York, for extensions, improvements or completion of the said system being undertaken by the corporation of the said township at the cost of the corporation of the said village, and in the event of the said extensions, improvements or completion of such system being made by the corporation of the said village, the work shall be done under the authority of the provisions of *The Power Commission Act* in respect to villages.

### Rev. Stat., c. 57.

### Provision of money to meet cost of works under sub. 1.

**(2)** The corporation of the said village may pass by-laws for and issue debentures payable within a period not exceeding twenty years to meet the cost of any work undertaken for the purposes mentioned in subsection 1, without the assent of the electors qualified to vote on money by-laws being requisite to be obtained thereto, or the council of the said corporation may provide for the whole or any part of such cost being included in the yearly estimates and paid out of the current revenues of the corporation.

### Confirmation of payments already made.

**(3)** Expenditures heretofore authorized or made by the corporation of the said village for the extension, improvement



or completion of the said electrical system are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Rights of  
village and  
township  
preserved.

(4) Nothing in this section contained shall affect the respective rights of the corporations of the said village and of the said township as they existed prior to the passing of this Act, save that in the event of the corporation of the said township being entitled to and taking possession of the said electrical system in the said village, any adjustment of assets and liabilities which may hereby become necessary shall include an adjustment in respect to any extensions, improvements or completions that may have been made under the provisions of this Act, and all such adjustments shall be agreed upon between the councils of the said corporations or in the event of disagreement shall be settled by the Ontario Municipal Board, whose decision shall be final.

Construction  
of sidewalk  
on one side  
of street.

Rev. Stat.,  
c. 235.

3. The council of the corporation of the said village may under the authority of and in accordance with the provisions of *The Local Improvement Act*, without petition, on the initiative of the council, undertake the construction of a sidewalk on one side only of a street and notwithstanding such provisions may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of the street, and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner.

Addition to  
powers of  
town  
planning  
commission.

Rev. Stat.,  
c. 236.

4.—(1) The town planning commission when appointed by the council of the said village pursuant to the provisions of *The Planning and Development Act* shall, in addition to the jurisdiction and powers given by the said Act, have and exercise jurisdiction and powers in respect of the matters set forth in subsection 2.

(2) Where any person is desirous of erecting any residence in an area in the said village which has been set aside by by-law approved by the Ontario Municipal Board as a residential area, the following proceedings shall be had and taken:

Elevation  
plans to be  
supplied.

(a) Such person shall in addition to complying with the building and other by-laws of the said village, submit to the said commission plans of all elevations of the building prepared in a manner satisfactory to the commission.

Heating  
plans to be  
supplied.

(b) Such person shall in all cases where a heating plant is to be installed in such residence submit to the said commission full specifications and details of such heating plant and installation.





Approval of plans.

- (c) The said commission shall within ten days of the submission to it of any elevations, plans or specifications approve thereof or notify the applicant and the Ontario Municipal Board of its reasons for not approving the same;

Consideration by board.

- (d) If such approval be not given within the time specified in clause *c* of this subsection, the person submitting the plan may apply to the said board for its approval and every party interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the said board;

Authority of board.

- (e) The said board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the said board may seem necessary or proper.

Acquiring land to ensure carrying out of approved development in a certain area.

**5.—(1)** The council of the corporation of the said village may, with the approval of the Ontario Municipal Board, acquire lands within either of the areas in the said village described in Schedule "A" to this Act for the purpose of promoting and ensuring the completion of development of such area in accordance with any general plan of development thereof which may have been adopted by the council or the town planning commission of the said village.

Power to issue debentures to pay for land acquired.

(2) The said corporation may with the approval of the said board for the purposes mentioned in subsection 1 pass by-laws for and issue debentures payable within twenty years to an aggregate amount which shall at no time exceed an amount equal to one-half of one per centum of the value of the whole rateable property within the municipality according to the last revised assessment roll.

Board to require notice of application for acquisition of lands, to be given.

(3) Upon any application being made to the said board under the authority of subsection 1, it shall before giving any approval, require notice of the application to be given to the owner of any land which may be affected and may also direct such other notice of the application to be given and published as the board may specify.

Assent of electors not required.

(4) The assent of the electors qualified to vote on money by-laws shall not be requisite to be obtained for the issue of debentures under the authority of subsection 2.

Commencement of Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.





## SCHEDULE "A"

## AREA No. 1

Bounded on the south by Eglinton Avenue; on the west by Bathurst Street; and on the north by the Belt Line Railway.

## AREA No. 2

Bounded on the west by Old Park Road; on the south by Wembley Road; on the east by Bathurst Street; and on the north by the Belt Line Railway.







An Act respecting the Village of  
Forest Hill

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. KIRBY

---

*(Private Bill)*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the Village of Forest Hill.

---

MR. KIRBY

---

(PRIVATE BILL)



# BILL

## An Act respecting the Village of Forest Hill.

Preamble.

**W**HEREAS the corporation of the village of Forest Hill has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Village of Forest Hill Act, 1936*.

Extensions,  
etc., of  
electrical  
distribution  
system in  
the village.

**2.—(1)** The corporation of the village of Forest Hill may pass by-laws to provide for the extension, improvement or completion of the electrical system now constructed within the said village for the supply of electrical power or energy, or in the alternative, with the consent of the council of the corporation of the township of York, for extensions, improvements or completion of the said system being undertaken by the corporation of the said township at the cost of the corporation of the said village, and in the event of the said extensions, improvements or completion of such system being made by the corporation of the said village, the work shall be done under the authority of the provisions of *The Power Commission Act* in respect to villages.

Rev. Stat.,  
c. 57.

Provision of  
money to  
meet cost of  
works under  
sub. 1.

**(2)** The corporation of the said village may pass by-laws for and issue debentures payable within a period not exceeding twenty years to meet the cost of any work undertaken for the purposes mentioned in subsection 1, without the assent of the electors qualified to vote on money by-laws being requisite to be obtained thereto, or the council of the said corporation may provide for the whole or any part of such cost being included in the yearly estimates and paid out of the current revenues of the corporation.

Confirmation  
of payments  
already  
made.

**(3)** Expenditures heretofore authorized or made by the corporation of the said village for the extension, improvement



or completion of the said electrical system are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Rights of  
village and  
township  
preserved.

(4) Nothing in this section contained shall affect the respective rights of the corporations of the said village and of the said township as they existed prior to the passing of this Act, save that in the event of the corporation of the said township being entitled to and taking possession of the said electrical system in the said village, any adjustment of assets and liabilities which may hereby become necessary shall include an adjustment in respect to any extensions, improvements or completions that may have been made under the provisions of this Act, and all such adjustments shall be agreed upon between the councils of the said corporations or in the event of disagreement shall be settled by the Ontario Municipal Board, whose decision shall be final.



Rights of  
Toronto  
Electric  
Commissioners  
preserved.

(5) Nothing in this section contained shall affect the rights (if any) of the Toronto Electric Commissioners as they existed prior to the passing of this Act.



Construction  
of sidewalk  
on one side  
of street.

Rev. Stat.,  
c. 235.

3. The council of the corporation of the said village may under the authority of and in accordance with the provisions of *The Local Improvement Act*, without petition, on the initiative of the council, undertake the construction of a sidewalk on one side only of a street and notwithstanding such provisions may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of the street, and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner.

Addition to  
powers of  
town  
planning  
commission.

Rev. Stat.,  
c. 236.

4.—(1) The town planning commission when appointed by the council of the said village pursuant to the provisions of *The Planning and Development Act* shall, in addition to the jurisdiction and powers given by the said Act, have and exercise jurisdiction and powers in respect of the matters set forth in subsection 2.

(2) Where any person is desirous of erecting any residence in an area in the said village which has been set aside by by-law approved by the Ontario Municipal Board as a residential area, the following proceedings shall be had and taken:

Elevation  
plans to be  
supplied.

- (a) Such person shall in addition to complying with the building and other by-laws of the said village, submit to the said commission plans of all elevations of the building prepared in a manner satisfactory to the commission.





Heating plans to be supplied.

- (b) Such person shall in all cases where a heating plant is to be installed in such residence submit to the said commission full specifications and details of such heating plant and installation.

Approval of plans.

- (c) The said commission shall within ten days of the submission to it of any elevations, plans or specifications approve thereof or notify the applicant and the Ontario Municipal Board of its reasons for not approving the same;

Consideration by board.

- (d) If such approval be not given within the time specified in clause ~~c~~ of this subsection, the person submitting the plan may apply to the said board for its approval and every party interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the said board;

Authority of board.

- (e) The said board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the said board may seem necessary or proper.

Acquiring land to ensure carrying out of approved development in a certain area.

5.—(1) The council of the corporation of the said village may, with the approval of the Ontario Municipal Board, acquire lands within either of the areas in the said village described in Schedule "A" to this Act for the purpose of promoting and ensuring the completion of development of such area in accordance with any general plan of development thereof which may have been adopted by the council or the town planning commission of the said village.

Power to issue debentures to pay for land acquired.

(2) The said corporation may with the approval of the said board for the purposes mentioned in subsection 1 pass by-laws for and issue debentures payable within twenty years to an aggregate amount which shall at no time exceed an amount equal to one-half of one per centum of the value of the whole rateable property within the municipality according to the last revised assessment roll.

Board to require notice of application for acquisition of lands, to be given.

(3) Upon any application being made to the said board under the authority of subsection 1, it shall before giving any approval, require notice of the application to be given to the owner of any land which may be affected and may also direct such other notice of the application to be given and published as the board may specify.





Assent of  
electors not  
required.

(4) The assent of the electors qualified to vote on money by-laws shall not be requisite to be obtained for the issue of debentures under the authority of subsection 2.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE "A"

### AREA No. 1

Bounded on the south by Eglinton Avenue; on the west by Bathurst Street; and on the north by the Belt Line Railway.

### AREA No. 2

Bounded on the west by Old Park Road; on the south by Wembley Road; on the east by Bathurst Street; and on the north by the Belt Line Railway.



An Act respecting the Village of  
Forest Hill

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*1st Reading*

February 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. KIRBY

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(Reprinted as amended by the Committee on  
Private Bills).

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Village of Forest Hill.

---

MR. KIRBY

---



# BILL

## An Act respecting the Village of Forest Hill.

### Preamble.

**W**HEREAS the corporation of the village of Forest Hill has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

1. This Act may be cited as *The Village of Forest Hill Act, 1936*.

### Extensions, etc., of electrical distribution system in the village.

2.—(1) The corporation of the village of Forest Hill may pass by-laws to provide for the extension, improvement or completion of the electrical system now constructed within the said village for the supply of electrical power or energy, or in the alternative, with the consent of the council of the corporation of the township of York, for extensions, improvements or completion of the said system being undertaken by the corporation of the said township at the cost of the corporation of the said village, and in the event of the said extensions, improvements or completion of such system being made by the corporation of the said village, the work shall be done under the authority of the provisions of *The Power Commission Act* in respect to villages.

### Rev. Stat., c. 57.

### Provision of money to meet cost of works under sub. 1.

(2) The corporation of the said village may pass by-laws for and issue debentures payable within a period not exceeding twenty years to meet the cost of any work undertaken for the purposes mentioned in subsection 1, without the assent of the electors qualified to vote on money by-laws being requisite to be obtained thereto, or the council of the said corporation may provide for the whole or any part of such cost being included in the yearly estimates and paid out of the current revenues of the corporation.

### Confirmation of payments already made.

(3) Expenditures heretofore authorized or made by the corporation of the said village for the extension, improvement

or completion of the said electrical system are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

(4) Nothing in this section contained shall affect the respective rights of the corporations of the said village and of the said township as they existed prior to the passing of this Act, save that in the event of the corporation of the said township being entitled to and taking possession of the said electrical system in the said village, any adjustment of assets and liabilities which may hereby become necessary shall include an adjustment in respect to any extensions, improvements or completions that may have been made under the provisions of this Act, and all such adjustments shall be agreed upon between the councils of the said corporations or in the event of disagreement shall be settled by the Ontario Municipal Board, whose decision shall be final.

Rights of village and township preserved.

(5) Nothing in this section contained shall affect the rights (if any) of the Toronto Electric Commissioners as they existed prior to the passing of this Act.

Rights of Toronto Electric Commissioners preserved.

3. The council of the corporation of the said village may under the authority of and in accordance with the provisions of *The Local Improvement Act*, without petition, on the initiative of the council, undertake the construction of a sidewalk on one side only of a street and notwithstanding such provisions may provide that the owners' share of the cost thereof be specially assessed against the lots fronting or abutting on both sides of the street, and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner.

Construction of sidewalk on one side of street.

Rev. Stat., c. 235.

4.—(1) The town planning commission when appointed by the council of the said village pursuant to the provisions of *The Planning and Development Act* shall, in addition to the jurisdiction and powers given by the said Act, have and exercise jurisdiction and powers in respect of the matters set forth in subsection 2.

Addition to powers of town planning commission.

Rev. Stat., c. 236.

(2) Where any person is desirous of erecting any residence in an area in the said village which has been set aside by by-law approved by the Ontario Municipal Board as a residential area, the following proceedings shall be had and taken:

- (a) Such person shall in addition to complying with the building and other by-laws of the said village, submit to the said commission plans of all elevations of the building prepared in a manner satisfactory to the commission.

Elevation plans to be supplied.

Heating  
plans to be  
supplied.

- (b) Such person shall in all cases where a heating plant is to be installed in such residence submit to the said commission full specifications and details of such heating plant and installation.

Approval of  
plans.

- (c) The said commission shall within ten days of the submission to it of any elevations, plans or specifications approve thereof or notify the applicant and the Ontario Municipal Board of its reasons for not approving the same;

Considera-  
tion by  
board.

- (d) If such approval be not given within the time specified in clause c of this subsection, the person submitting the plan may apply to the said board for its approval and every party interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the said board;

Authority  
of board.

- (e) The said board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the said board may seem necessary or proper.

Acquiring  
land to en-  
sure carrying  
out of  
approved  
development  
in a certain  
area.

5.—(1) The council of the corporation of the said village may, with the approval of the Ontario Municipal Board, acquire lands within either of the areas in the said village described in Schedule "A" to this Act for the purpose of promoting and ensuring the completion of development of such area in accordance with any general plan of development thereof which may have been adopted by the council or the town planning commission of the said village.

Power to  
issue deben-  
tures to pay  
for land  
acquired.

(2) The said corporation may with the approval of the said board for the purposes mentioned in subsection 1 pass by-laws for and issue debentures payable within twenty years to an aggregate amount which shall at no time exceed an amount equal to one-half of one per centum of the value of the whole rateable property within the municipality according to the last revised assessment roll.

Board to  
require  
notice of  
application  
for acquisi-  
tion of lands,  
to be given.

(3) Upon any application being made to the said board under the authority of subsection 1, it shall before giving any approval, require notice of the application to be given to the owner of any land which may be affected and may also direct such other notice of the application to be given and published as the board may specify.



(4) The assent of the electors qualified to vote on money by-laws shall not be requisite to be obtained for the issue of debentures under the authority of subsection 2. <sup>Assent of electors not required.</sup>

6. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>

## SCHEDULE "A"

## AREA No. 1

Bounded on the south by Eglinton Avenue; on the west by Bathurst Street; and on the north by the Belt Line Railway.

## AREA No. 2

Bounded on the west by Old Park Road; on the south by Wembley Road; on the east by Bathurst Street; and on the north by the Belt Line Railway.





An Act respecting the Village of  
Forest Hill

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*1st Reading*

February 25th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

---

MR. KIRBY

---

No. 19

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Municipality of Shuniah.

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MR. COX

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Municipality of Shuniah.

Preamble.

**W**HEREAS the corporation of the municipality of Shuniah, in the district of Thunder Bay, has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Municipality of Shuniah Act, 1936*.

Abolition of  
Island Ward  
and  
disposition  
of islands.

**2.** That from and after the 31st day of December, 1936, the Island Ward of the municipality of Shuniah is and shall be abolished, and the islands forming the said ward, with the exception of the islands in front of the township of McGregor known as Island number 1 opposite Location 7 E. in White's Survey, Island number 3 opposite Location 12 E. in Hartz Survey, Island number 2 opposite Location 13 E. in Hartz Survey, St. Mary's Island, Island number 4 east of Location 13 Z. in Savigney's Survey, Island number 5, Island number 6, Bacon Island number 7, Island number 8 Round Island, Island number (5K) opposite lot 1 in Donnelly's Survey, Island number (6K) opposite lot 1 in Donnelly's Survey, Lambert Island, Island number 12 between Lambert Island and lot Aa in Scott's Survey, Island number 13 near Lambert Island, Island number 14 opposite lot Ab in Scott's Survey, Island number 15 south of Lambert Island, Island number 16 east of Lambert Island, Caribou Island, and Island number 17 opposite lot 12 in Francis' Survey, and with the exception of the islands in front of the township of McTavish known as Islands numbers 1, 2, 3, 4 and 5 south of Concession "A," Islands "A" and "B" south of Concession "A," McEachern Island in Black Bay south of lot 1 in Donnelly's Survey, Island opposite lot 6 in Concession "C," and Burnt Island in Black Bay south-east of Concession "C," shall no longer form part of the municipality but shall revert to and become part of the unorganized territory of the province. The islands in front of the township of McGregor hereinbefore



specifically described shall from the date above mentioned be added to and form part of the McGregor Ward of the said municipality and the islands in front of the township of McTavish hereinbefore specifically described shall from the date above mentioned be added to and form part of the McTavish Ward of the said municipality; Provided, however, that taxes in arrears to the date above mentioned against any of the islands taken out of the municipality, or any part or parts thereof, shall remain and be a lien and charge against the said island, or part or parts thereof, in favour of the said municipality, and in default of payment of the said taxes or any part thereof for three years, as provided by *The Assessment Act*, the said island or part or parts thereof may be advertised and sold for such arrears of taxes and in default of redemption may be conveyed to any purchaser or purchasers thereof or his or their assigns as provided by the said *The Assessment Act* in the same way and to the same extent as if the said island or part or parts thereof had remained part of the said municipality, and the word "purchaser" shall include the municipality in case the island or any part or parts thereof shall be purchased by the municipality at any adjournment of the tax sale.

Proviso as  
to tax  
arrears.

Rev. Stat.  
c. 238.

Wards.

3. From and after the 31st day of December, 1936, the said municipality shall consist of the townships of McIntyre, McGregor and McTavish with the islands in front of the said townships of McGregor and McTavish referred to in section 2, and the said township of McIntyre shall be known as the McIntyre Ward, and the said township of McGregor with the said islands in front of it shall be known as the McGregor Ward, and the said township of McTavish with the said islands in front of it shall be known as the McTavish Ward.

Composition  
of council.

4. The electors of the McIntyre Ward shall elect two councillors to the council of the said municipality and the electors of the McGregor Ward and of the McTavish Ward shall each elect one councillor to the council of the said municipality, and the reeve of the municipality shall be elected by the general vote of the electors of the whole municipality; Provided, however, that if, in any year, the assessment roll of the municipality, as finally revised, shows that the assessment for the McGregor Ward, or the McTavish Ward, is equal to forty-five per centum of the total assessment of the whole municipality, then the electors of the ward or wards with such an assessment shall be entitled at the next election to elect two councillors to the council of the municipality and the total number of members of the council shall be increased accordingly.

Fiscal year  
to corres-  
pond with  
calendar  
year.

5. From and after the 31st day of December, 1936, the financial year of the said municipality shall be from the 1st





day of January to the last day of December, and in order to bring about such change from the present financial year, which is from the 1st day of July to the last day of June, the assessment roll as and when revised for the year ending the 30th day of June, 1936, shall remain and continue and be in full force and effect for a period of eighteen months ending on the 31st day of December, 1936, and when levying rates on the said assessment prepared for the year ending the 30th day of June, 1936, there shall be levied a rate sufficient to carry on the financial affairs of the municipality to the 31st day of December, 1936, and such rates shall be valid and binding and all the provisions of *The Assessment Act* and *The Municipal Act* or other Act or Acts shall apply to such rates, but the council of the municipality shall have power and authority by by-law to extend the time for payment of the said rates, and may provide that the same be paid by one or more instalments or otherwise.

Change in  
electoral  
year.

**6.** From and after the passing of this Act the reeve and council of the said municipality shall be elected for the year from the 1st day of January to the last day of December, and in order to bring about such change from the present electoral year, which is from the 1st day of July to the 30th day of June, the reeve and council elected for the year ending on the 30th day of June, 1936, shall continue in office until the 31st day of December, 1936, and until their successors are elected, in the same manner and with the same powers and authorities in all respects as if they had been elected until the end of the year 1936.

Place of  
nomination  
meeting.

**7.** The meeting in any year for the nomination of candidates for reeve and council of the said municipality may be held in the city of Port Arthur at such place as the council may by by-law appoint.

Special  
polls for  
non-  
residents.

**8.** At every election for reeve and council, and on voting on any by-law or question, a special poll or polls for non-residents of the municipality may be held in the city of Port Arthur at such place therein as the council may provide, and all non-residents of the municipality entitled to vote may vote at the said special poll or polls in the said city, and for such special poll or polls the clerk shall prepare a special voters' list made up of Part II of the last revised voters' list for each polling subdivision of the municipality and all persons appearing on such special voters' list, but no others, shall be entitled to vote at such special poll or polls.

Separate  
estimates  
and rates  
for each  
ward.

**9.** When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses



and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Provisions  
of special  
Act of  
incorpora-  
tion no  
longer  
applicable.

Rev. Stat.,  
cc. 233 and  
238.

**10.** From and after the 31st day of December, 1936, the provisions of the special Act of incorporation of the said municipality, being chapter 50 of the Statutes of Ontario, 1873, and any Act or Acts amending the same shall not apply but that the general provisions of *The Municipal Act* and *The Assessment Act* and other appropriate Act or Acts affecting township municipalities shall apply to the said municipality, save as herein otherwise enacted, and for that purpose all the provisions of the said Act of incorporation and amending Act or Acts inconsistent herewith shall be and the same are hereby repealed as of and from the 31st day of December, 1936.

Confirma-  
tion of tax  
sales and  
convey-  
ances.

**11.—(1)** All sales of lands within the municipality of Shuniah held prior to the 31st day of December, 1933, and which purport to be made by the corporation of the said municipality, or the treasurer or any official or officials thereof for arrears of taxes in respect of the lands so sold, are validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the municipality, purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the corporation of the municipality, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are vested in the purchaser or his assigns and his and their heirs and assigns, or in the said corporation its successors and assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns, and of all charges and encumbrances thereon and



dower therein, excepting taxes accrued since those for non-payment whereof the said lands were sold.

Pending  
litigation  
excepted.

(2) Nothing in this section contained shall affect any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Exception  
as to  
forfeited  
mining lands.  
Rev. Stat.,  
c. 28.

(3) This section shall not apply to lands forfeited to the Crown under *The Mining Tax Act*.

Commence-  
ment of Act.

**12.** This Act, other than section 11, shall come into force on the day upon which it receives the Royal Assent. Section 11 shall come into force on the 1st day of July, 1936.







BILL

An Act respecting the Municipality  
of Shuniah.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. COX

---

(*Private Bill*)

No. 19

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Municipality of Shuniah.

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MR. COX

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TORONTO  
PRINTED BY T. E. BOWMAN  
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No. 19

1936

# BILL

## An Act respecting the Municipality of Shuniah.

Preamble.

**W**HEREAS the corporation of the municipality of Shuniah, in the district of Thunder Bay, has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Municipality of Shuniah Act, 1936.*

Abolition of  
Island Ward  
and  
disposition  
of islands.

**2.** That from and after the 31st day of December, 1936, the Island Ward of the municipality of Shuniah is and shall be abolished, and the islands forming the said ward, with the exception of the islands in front of the township of McGregor known as Island number 1 opposite Location 7 E. in White's Survey, Island number 3 opposite Location 12 E. in Hartz Survey, Island number 2 opposite Location 13 E. in Hartz Survey, St. Mary's Island, Island number 4 east of Location 13 Z. in Savigney's Survey, Island number 5, Island number 6, Bacon Island number 7, Island number 8 Round Island, Island number (5K) opposite lot 1 in Donnelly's Survey, Island number (6K) opposite lot 1 in Donnelly's Survey, Lambert Island, Island number 12 between Lambert Island and lot Aa in Scott's Survey, Island number 13 near Lambert Island, Island number 14 opposite lot Ab in Scott's Survey, Island number 15 south of Lambert Island, Island number 16 east of Lambert Island, Caribou Island, and Island number 17 opposite lot 12 in Francis' Survey, and with the exception of the islands in front of the township of McTavish known as Islands numbers 1, 2, 3, 4 and 5 south of Concession "A," Islands "A" and "B" south of Concession "A," McEachern Island in Black Bay south of lot 1 in Donnelly's Survey, Island opposite lot 6 in Concession "C," and Burnt Island in Black Bay south-east of Concession "C," shall no longer form part of the municipality but shall revert to and become part of the unorganized territory of the province. The islands in front of the township of McGregor hereinbefore

specifically described shall from the date above mentioned be added to and form part of the McGregor Ward of the said municipality and the islands in front of the township of McTavish hereinbefore specifically described shall from the date above mentioned be added to and form part of the McTavish Ward of the said municipality; Provided, however, that taxes in arrears to the date above mentioned against any of the islands taken out of the municipality, or any part or parts thereof, shall remain and be a lien and charge against the said island, or part or parts thereof, in favour of the said municipality, and in default of payment of the said taxes or any part thereof for three years, as provided by *The Assessment Act*, the said island or part or parts thereof may be advertised and sold for such arrears of taxes and in default of redemption may be conveyed to any purchaser or purchasers thereof or his or their assigns as provided by the said *The Assessment Act* in the same way and to the same extent as if the said island or part or parts thereof had remained part of the said municipality, and the word "purchaser" shall include the municipality in case the island or any part or parts thereof shall be purchased by the municipality at any adjournment of the tax sale.

Proviso as to tax arrears.  
Rev. Stat. c. 238.

**3.** From and after the 31st day of December, 1936, the said municipality shall consist of the townships of McIntyre, McGregor and McTavish with the islands in front of the said townships of McGregor and McTavish referred to in section 2, and the said township of McIntyre shall be known as the McIntyre Ward, and the said township of McGregor with the said islands in front of it shall be known as the McGregor Ward, and the said township of McTavish with the said islands in front of it shall be known as the McTavish Ward.

**4.** The electors of the McIntyre Ward shall elect two councillors to the council of the said municipality and the electors of the McGregor Ward and of the McTavish Ward shall each elect one councillor to the council of the said municipality, and the reeve of the municipality shall be elected by the general vote of the electors of the whole municipality; Provided, however, that if, in any year, the assessment roll of the municipality, as finally revised, shows that the assessment for the McGregor Ward, or the McTavish Ward, is equal to forty-five per centum of the total assessment of the whole municipality, then the electors of the ward or wards with such an assessment shall be entitled at the next election to elect two councillors to the council of the municipality and the total number of members of the council shall be increased accordingly.

Composition of council.

**5.** From and after the 31st day of December, 1936, the financial year of the said municipality shall be from the 1st

Fiscal year to correspond with calendar year.



day of January to the last day of December, and in order to bring about such change from the present financial year, which is from the 1st day of July to the last day of June, the assessment roll as and when revised for the year ending the 30th day of June, 1936, shall remain and continue and be in full force and effect for a period of eighteen months ending on the 31st day of December, 1936, and when levying rates on the said assessment prepared for the year ending the 30th day of June, 1936, there shall be levied a rate sufficient to carry on the financial affairs of the municipality to the 31st day of December, 1936, and such rates shall be valid and binding and all the provisions of *The Assessment Act* and *The Municipal Act* or other Act or Acts shall apply to such rates, but the council of the municipality shall have power and authority by by-law to extend the time for payment of the said rates, and may provide that the same be paid by one or more instalments or otherwise.

Change in  
electoral  
year.

6. From and after the passing of this Act the reeve and council of the said municipality shall be elected for the year from the 1st day of January to the last day of December, and in order to bring about such change from the present electoral year, which is from the 1st day of July to the 30th day of June, the reeve and council elected for the year ending on the 30th day of June, 1936, shall continue in office until the 31st day of December, 1936, and until their successors are elected, in the same manner and with the same powers and authorities in all respects as if they had been elected until the end of the year 1936.

Place of  
nomination  
meeting.

7. The meeting in any year for the nomination of candidates for reeve and council of the said municipality may be held in the city of Port Arthur at such place as the council may by by-law appoint.

Special  
polls for  
non-  
residents.

8. At every election for reeve and council, and on voting on any by-law or question, a special poll or polls for non-residents of the municipality may be held in the city of Port Arthur at such place therein as the council may provide, and all non-residents of the municipality entitled to vote may vote at the said special poll or polls in the said city, and for such special poll or polls the clerk shall prepare a special voters' list made up of Part II of the last revised voters' list for each polling subdivision of the municipality and all persons appearing on such special voters' list, but no others, shall be entitled to vote at such special poll or polls.

Separate  
estimates  
and rates  
for each  
ward.

9. When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses

and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the ratepayers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

**10.** From and after the 31st day of December, 1936, the provisions of the special Act of incorporation of the said municipality, being chapter 50 of the Statutes of Ontario, 1873, and any Act or Acts amending the same shall not apply but that the general provisions of *The Municipal Act* and *The Assessment Act* and other appropriate Act or Acts affecting township municipalities shall apply to the said municipality, save as herein otherwise enacted, and for that purpose all the provisions of the said Act of incorporation and amending Act or Acts inconsistent herewith shall be and the same are hereby repealed as of and from the 31st day of December, 1936.

Provisions of special Act of incorporation no longer applicable.  
Rev. Stat., c. 233 and 238.

**11.—(1)** All sales of lands within the municipality of Shuniah held prior to the 31st day of December, 1933, and which purport to be made by the corporation of the said municipality, or the treasurer or any official or officials thereof for arrears of taxes in respect of the lands so sold, are validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the municipality, purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the corporation of the municipality, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are vested in the purchaser or his assigns and his and their heirs and assigns, or in the said corporation its successors and assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns, and of all charges and encumbrances thereon and

Confirmation of tax sales and conveyances.



dower therein, excepting taxes accrued since those for non-payment whereof the said lands were sold.

Pending  
litigation  
excepted.

(2) Nothing in this section contained shall affect any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Exception  
as to  
forfeited  
mining lands,  
Rev. Stat.,  
c. 28.

(3) This section shall not apply to lands forfeited to the Crown under *The Mining Tax Act*.

Commence-  
ment of Act.

**12.** This Act, other than section 11, shall come into force on the day upon which it receives the Royal Assent. Section 11 shall come into force on the 1st day of July, 1936.



An Act respecting the Municipality  
of Shuniah.

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*1st Reading*

March 2nd, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

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MR. COX

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of Windsor.

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MR. CLARK

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(PRIVATE BILL)

# BILL

## An Act respecting the City of Windsor.

### Preamble.

**W**HEREAS the corporation of the city of Windsor, The Windsor Utilities Commission, and the Board of Education for the city of Windsor, have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

1. This Act may be cited as *The City of Windsor Act, 1936*.

### Interpretation.

2. In this Act,—

"Amalgamation Act,"  
1935, c. 74.

- (a) "Amalgamation Act" shall mean *The City of Windsor (Amalgamation) Act, 1935*;

"Amalgamated municipalities."

- (b) "Amalgamated municipalities" shall mean the former municipalities and corporations of the city of East Windsor, the town of Walkerville, the city of Windsor and the town of Sandwich;

"Board of Education."

- (c) "Board of Education" shall mean the Board of Education for the city;

"City."

- (d) "City" shall mean the municipality and corporation of the city of Windsor;

"Council."

- (e) "Council" shall mean the municipal council of the city;

"Commission," etc.

- (f) "Commission" and "Utilities Commission" shall mean The Windsor Utilities Commission;

"Essex Border Municipalities."

- (g) "Essex Border Municipalities" shall mean the Essex Border Municipalities as defined by *The Consolidated Essex Border Utilities Act, 1929*;

1929, c. 98.





"Local  
Boards."

1935, c. 16.

- (h) "Local Boards" shall have the meaning given to the words in *The Department of Municipal Affairs Act, 1935*.

## PART I.

Establish-  
ment of  
borough  
system of  
government.

3. The council may by by-law passed by a vote of two-thirds of the members thereof authorize an application to be made to the Ontario Municipal Board for the establishment of what is commonly described as a "borough system" of local government for the city. Upon such application being made the said board shall after hearing all persons desirous of being heard thereon, provide by order for:

Re-creation  
of the  
amalgamated  
municipalities  
into  
separate  
municipalities.

- (a) The re-establishment of the amalgamated municipalities and upon such date as the board may fix, each of the said amalgamated municipalities shall, notwithstanding the provisions of the Amalgamation Act, become individual municipalities and municipal corporations under the names of the corporation of the city of East Windsor, the corporation of the town of Walkerville, the corporation of the city of Windsor and the corporation of the town of Sandwich respectively, each having the same area and confines as it had prior to the enactment of the Amalgamation Act, and for the election of municipal councils, boards of education and separate school boards for the said municipalities;

Establish-  
ment of a  
Metropolitan  
Commission.

- (b) The establishment of a commission to be known as "The Windsor Metropolitan Commission" in which shall be vested all the assets, powers and duties of the Utilities Commission and the jurisdiction, powers and duties of the council with respect to fire services and parks in the city and amalgamated municipalities, and for the constitution and election of the said metropolitan commission;

Police  
Commission.

- (c) The continuance of the present board of commissioners of police with jurisdiction over the police department and services of the city and amalgamated municipalities;

Incidental  
matters.

- (d) Such further and other matters necessary or incidental to the effectuation of the general plan of government of the city consequent upon the re-establishment of the amalgamated municipalities, and the Board may do and order done all things not specifically provided for in this Act with reference thereto, and every such order or direction shall be valid and binding upon the city, the amalgamated municipalities, the local boards of each and all persons affected thereby as if enacted by this Act.



Dissolution  
of Windsor  
Finance  
Commission.

4. The Windsor Finance Commission appointed under the provisions of the Amalgamation Act shall on the 1st day of July, 1936, be dissolved and cease to exist, and all powers and duties vested in the said finance commission by the said Act shall thereafter be vested in the council, but subject to the provisions of this Act, the Amalgamation Act shall otherwise continue to apply to the city, the amalgamated municipalities and to the local boards of each.

Library  
board.

Rev. Stat.,  
c. 246.

5. Notwithstanding anything to the contrary contained in the Amalgamation Act, the provisions of *The Public Libraries Act* shall apply to the city and the council shall forthwith pass the necessary by-laws and do all other things needed to establish a public library board for the city.

Board of  
education.

6.—(1) Notwithstanding anything to the contrary contained in the Amalgamation Act, and subject to the establishment of a borough system under section 3 hereof, the board of education shall be composed of twelve members, ten of whom shall be elected, two for each of the wards of the city by the votes of the electors, who are public school supporters, and two of whom shall be appointed by the separate school board for the city.

(2) This section shall take effect for the year 1937 and subsequent years and the elected members of the said board having the lesser number of votes for each ward at the annual municipal election in 1936 shall hold office for one year only, but their successors shall hold office for a term of two years.

General  
Byng  
School  
(Sandwich)  
to be a high  
school

7. The debts incurred by by-laws numbered 1073, 1107 and 1217 and those parts of the debts incurred by by-laws numbered 1494, 1640 and 2070 of the former corporation of the town of Sandwich for the purchase of land and the construction and equipping of General Byng school and charged against the rateable property in the said town assessed for the time being for public school purposes or upon a revision downward of such debts those parts or proportions thereof respectively as may be fixed and determined as the amounts to be paid in satisfaction of such debts shall be charged, rated and levied from such date as may be hereafter fixed by the Ontario Municipal Board against all rateable property assessed for high school purposes in that part of the city which formerly comprised the town of Sandwich; provided that the amount to be so charged, rated and levied shall not in any event exceed \$250,000 with interest at such rate as may be fixed by the said board from such date as it may hereafter determine.

Assessment  
and tax rate  
by-laws  
confirmed.

8. By-laws numbered 22, 26 and 33 of the city, respecting the time and manner of taking the assessment for the city and the collection of taxes are hereby validated and confirmed.





Mailing of  
assessment  
notices.

Rev. Stat.,  
c. 238.

**9.** Notwithstanding the provisions of section 52 of *The Assessment Act*, the assessment commissioner of the city and the assessors thereof may transmit by unregistered mail all notices respecting assessment in the city to persons to whom such notices are required to be delivered or sent by the said section, by addressing the same to such persons at their residence or place of business or last known address.

Curb  
pumps, etc.

**10.**—(1) The council may by by-law authorize the maintenance upon the highway within the city of any gasoline pump, gasoline or fuel oil tank or fill pipe or air service now located thereon, including the replacing of any of the same in the same location, upon such terms as may be agreed upon between the city and the owner or operator of any such gasoline pump, gasoline or fuel oil tank or fill pipe or air service, and for charging every such owner or operator such annual or other charge as the council may deem reasonable for the privilege conferred by the by-law, and for collecting and enforcing payment of such charge in the same manner as taxes upon the land of such owner or operator, and may appoint some official of the city to carry out all or any of the provisions of the by-law.

Removal of  
curb  
pumps, etc.

(2) No agreement made under the provisions of subsection 1 shall divest the city of its right to require and compel the removal from the highway of any gasoline pump, gasoline or fuel oil tank or fill pipe or air service and no owner or operator of any of the same shall have any right to compensation from the city in the event of such removal.

Confirma-  
tion of  
sales of  
lands  
acquired  
through  
non-  
payment  
of taxes.

1932,  
cc. 27, 95;  
1935, c. 16.

**11.**—(1) All sales of land situate within the city acquired by the city by the registration of tax arrears certificates under the provisions of *The Ontario Municipal Board Act, 1932*, *The City of Windsor Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and made by the city or any of the amalgamated municipalities, and the committees of supervisors thereof or The Windsor Finance Commission prior to the 1st day of March, 1936, are confirmed and declared to be legal, valid and binding, and all conveyances of land so sold executed under the seal of the city or the amalgamated municipalities by the mayor and clerk thereof, purporting to convey the said lands to the purchaser thereof or his heirs or assigns are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested in the purchaser or his heirs or assigns and in his heirs and assigns, in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of the registration of the tax arrears certificate, or their assigns, and of all charges, liens and encumbrances thereon of every nature and kind and





dower therein, except such charges, liens and encumbrances thereon as the city or the amalgamated municipalities may have reserved in connection with the sale or may otherwise possess, enjoy or be entitled to by virtue of any general or special Act.

Pending  
litigation  
not affected.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but subject to the provisions of this Act, the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Redemption  
certificates.

1932, c. 95;

1935, c. 16.

(3) From and after the date of the final passing of this Act, all redemption certificates of lands registered under the provisions of *The City of Windsor Act, 1932*, may be registered under *The Department of Municipal Affairs Act, 1935*.

## PART II.

Utilities  
Commission.

**12.**—(1) Notwithstanding the provisions of section 12 of the Amalgamation Act, on and after the 1st day of January, 1937, the Utilities Commission shall be comprised of the mayor of the city, who shall hold office *ex officio*, and five members, one to be elected biennially for each ward of the city and to hold office for a term of two years.

Qualification  
of members.

(2) Any person qualified to be a candidate for council shall be eligible for membership in the commission.

Vacancies.

(3) The office of a commissioner shall, *ipso facto*, become vacant—

(a) upon his death or resignation;

(b) if he ceases to be a resident of the city;

(c) if he absents himself from the meetings of the commission for three consecutive months;

(d) if he commits any act which would disqualify him from being a member of a council, and the provisions of *The Municipal Act* with respect to disqualification shall apply to the office of commissioner, provided, however, that a commissioner shall not be disqualified under the provisions of clause *o* of subsection 1 of section 53, of the said Act unless the contract therein referred to is with the commission;

Rev. Stat.,  
c. 233.



- (e) where the office of a commissioner becomes vacant before the expiration of the period for which he was elected the commission shall appoint some person to fill the vacancy, and such person shall hold office for the remainder of the term for which his predecessor was elected or appointed.

Payment of  
Commissioners.

- (4) The members of the commission may be paid such annual remuneration as the commission may determine.

Chairman  
and vice-  
chairman.

- 13.**—(1) The commission shall annually at a meeting to be held in the month of January elect one of the members thereof to be chairman, and one to be vice-chairman, who shall hold office for one year and until their successors are elected. The chairman shall preside at all meetings of the commission at which he is present, and, in his absence the vice-chairman shall preside, and in the absence of both the members present shall elect one of their number to preside and who, during such absence, shall have and exercise the powers of the chairman.

Seal.

- (2) The commission shall have a common seal in such form as it may decide and may from time to time change the same.

Officers, etc.

- (3) The commission shall appoint a secretary, a treasurer who may also hold the office of secretary, a general manager and such other officers and employees from time to time as it may deem requisite, and shall fix the salaries or other remuneration of its officers and servants.

Contracts.

- (4) Any contract entered into by the commission and sealed with its seal and signed by the chairman or acting chairman, and secretary, shall be binding upon the commission.

Records.

- (5) The commission shall keep proper records and books, including books of account, in which shall be recorded and entered the business of the commission.

Surety  
bonds.

- (6) The treasurer and such other officers and servants as the commission may deem necessary shall, before entering on the duties of their office, give such security as the commission directs for the faithful performance of their duties and for duly accounting for and paying over all moneys which come into their hands.

By-laws.

- (7) The commission may, from time to time pass by-laws for any of the following purposes, namely,—

- (a) To regulate the calling and holding of its meetings and the procedure and proceedings thereat;





- (b) Prescribing rules and regulations respecting its officers, servants and the terms upon which customers may be supplied with any of the services offered by the commission;
- (c) Respecting the conduct of the affairs and the exercise of the powers of the commission generally.

Application  
of general  
statutes  
for utilities.

Rev. Stat.,  
c. 249.

**14.** The Utilities Commission shall be a local board of the city and shall have the powers, rights, authorities, privileges and immunities of a municipal public utilities commission under *The Public Utilities Act* and the works under its control shall be public utilities within the meaning of the said Act, and the provisions of the said Act shall apply to the commission except in so far as the same may be inconsistent with the provisions of this Act. Notwithstanding anything contained in any special or general Act the commission shall also be deemed to have been entrusted by the Amalgamation Act with the control and management of the construction, operation and maintenance of all works undertaken within the city for the distribution and supply of electrical power or energy, and section 98 of *The Power Commission Act* shall be deemed to be applicable to the members and officers of the commission.

Rev. Stat.,  
c. 57.

Manage-  
ment, etc.,  
of utility  
under-  
takings.

**15.—(1)** The commission shall with respect to the works and undertakings heretofore owned by or under the management, control and operation of the Essex Border Utilities Commission, have the following powers, functions and duties,—

- (a) To manage, control, operate, maintain, extend and improve the same;
- (b) To prepare prior to the first day of February of each year, an estimate of the total amount required for the management, control, operation, extension and improvement thereof to be borne by each of the Essex Border municipalities and shall forthwith give to each of the municipal corporations a statement of the amount required to be paid by each of them;
- (c) To require each of the said municipal corporations to pay such part of the amount to be paid by it at such times during the year as the commission may decide;
- (d) With respect to any debenture or other indebtedness created by the city in connection with the extension or improvement of the said works or undertakings





the commission shall determine the proportion of any such indebtedness which each of the said municipalities, other than the city, shall bear, and if such extension or improvement is to be paid for in full forthwith by the city the said estimates shall include the full amount payable by each municipal corporation aforesaid, and if the money required for the same is to be provided by the issue of debentures or by any other plan whereby the time for payment thereof is extended, the said estimates shall include the proper annual proportion thereof to be paid by each of the said municipalities, other than the city, and the amount so payable by each such municipality shall be added to the amount payable by it in respect of the other requirements of the commission and the commission shall, if city debentures were issued therefor, pay over to the city the amounts received in respect of such indebtedness forthwith upon receipt thereof;

- (e) The amount to be paid by each of the said municipalities shall be a debt due and payable forthwith to the commission and may be recovered in any court of competent jurisdiction;
- (f) The commission shall not unless directed by the Ontario Municipal Board include in its estimates any of the debentures or other indebtedness created by the said Essex Border Utilities Commission and neither the commission nor the city shall be liable for any such indebtedness except as may be determined by the said Board;
- (g) To borrow such sums as may be necessary to meet its current expenditures for the year until its revenues are received;
- (h) To determine in the manner provided by *The Consolidated Essex Border Utilities Act, 1929*, as amended, the part of the municipality aforesaid the rateable property of which shall be liable for and shall pay any amount included in the estimates of the commission, and the amount so payable by any person in respect thereof shall be entered by the clerk of such municipality on the collector's roll and shall be collected at the same time and in the same manner as municipal taxes.

1929, c. 98.

Distribution  
of annual  
expendi-  
tures.

- (2) The commission shall determine the proportion of the costs of the management, maintenance, operation, extensions or improvements of the said works and undertakings to be borne by each of the said Essex Border municipalities in accordance with the benefit thereof to each of them.



Reserves  
funds.

(3) The commission may include in its annual estimates such sum as it may determine to be adequate for employees and public liability reserves, the rehabilitation and replacement of the works and undertakings under its control and for other purposes, and the amount so included shall, when received, be placed in a separate fund and the same and all accretions thereto shall be used exclusively for these purposes, and the commission may invest and re-invest the same in any securities authorized by the laws of the Province of Ontario for trust funds.

Powers of  
expropria-  
tion of land.

Rev. Stat.,  
c. 233.

(4) For any of its purposes the commission may exercise the powers conferred on a municipal corporation by Part XV of *The Municipal Act* except the powers contained in section 343 of the said Act, and the provisions of the said Part XV shall, *mutatis mutandis*, apply to the commission.

Liability  
of last  
apportion-  
ment of  
interest  
of the  
municipal-  
ities.

(5) The last apportionment or reapportionment heretofore made of the liability or any part thereof of the Essex Border municipalities shall be final and there shall be no further re-apportionment thereof.

Provision of  
new capital.

(6) The city may provide the moneys to pay for any extensions or improvements hereafter made to the works or undertakings of the commission and may by by-laws passed from time to time without the assent of the electors, issue debentures for the sums so borrowed or required, and the debt so incurred and the debentures so issued shall be specially charged upon the said works and undertakings.

Assent of  
electors not  
necessary.

(7) The said debentures may be issued and any other obligation relating to the said works and undertakings may be incurred without the assent of the electors of the Essex Border municipalities or any one of them.

Partial  
repeal of  
1929, c. 98.

(8) Sections 24, 25, 26 and 27 of *The Consolidated Essex Border Utilities Act, 1929*, shall be deemed to apply to the commission, but otherwise the said Act is hereby repealed, provided, however, that such repeal shall not affect the liability of any of the Essex Border municipalities for any special levy heretofore made or imposed or hereafter to be made or imposed to pay any debenture or other debt incurred by the Essex Border Utilities Commission.

Exercise of  
powers  
of municipal  
councils.

**16.** The powers of a municipal corporation under sub-sections 39, 40 and 41 of section 399 of *The Municipal Act* are hereby vested in the commission.

Water rates.

**17.** The commission shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and shall fix the water rates to be charged





for the use thereof by the owners or occupants of any lands, houses, tenements, lot or part of lot in respect of such premises, and may regulate the number of public hydrants in such places as it may see fit, and direct in what manner and for what purpose the same shall be used, all of which it may change at its discretion.

Frontage  
rates for  
water  
service.

**18.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an equal, annual special rate not exceeding eleven cents per foot of frontage upon all lands fronting or abutting upon any highway, lane or other public communication in, through or along which waterwork mains are laid as well as other land distant not more than 300-feet therefrom, whether or not the owners or occupants thereof use the water. The commission may reduce or increase the amount with which any land is chargeable by reason of such land fronting or abutting upon more than one street, or by reason of such land having a triangular or irregular shape.

Fire  
protection  
rate.

**19.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an annual, special rate not exceeding three mills in the dollar upon all the rateable property and business or other assessment of the city according to the last revised assessment roll, for the purpose of protection against fire.

Control  
over water  
service  
works.

**20.** All works which are supplied with water by the commission shall, while being so supplied, be under the direct supervision of the commission, and the commission may pass by-laws to regulate the connection of mains and pipes with the system and the supply of water therein, and do such acts as may be necessary to protect the system and every part thereof or the pressure or flow of water therein.

Rates to  
municipalities.

**21.** The commission shall fix annually the rent or rate to be charged to each municipality being furnished with water by the commission.

Agreements  
with  
municipalities.

**22.** The commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants and for any other services incidental to the supply of water upon such terms and for such times as may be agreed, without the assent of the electors of any such municipality.

Water rates  
to be a lien  
on land.

**23.—(1)** All the water rates or rents by this Act or any Act respecting the waterworks of the commission authorized to be levied or charged shall be payable by the owners or occupants of the lands, houses, tenements, lots or parts of





lots in respect whereof the said water rates or rents are charged, and the said water rates or rents, as well as all other rates, costs and charges directed by such Acts to be collected in the same manner as water rates or rents, shall be and shall be deemed to have been a lien or charge upon the lands, houses, tenements, lots or parts of lots of such owner to the same extent as the ordinary municipal taxes upon land are a charge or lien against the lands.

Collection  
of water  
rates  
arrears as  
taxes.

(2) When water rates or rents have been in arrears for a year or more the commission may forward to the collector of taxes for the city a statement of such arrears and the same shall be included in the next tax roll of the city and in the next tax bill of the person so in arrears, and shall be deemed to be taxes and shall be collected in the same manner as arrears of taxes for the year in which the said statement is forwarded to the collector.

Shut-off  
of water  
not to  
affect lien.

**24.** The shutting off of water or an attempt to collect any water rate or rent by any process in this Act prescribed shall not in any way invalidate the lien or charge on the premises as hereinbefore provided or any right of action to collect the same in the courts.

Inspection  
of premises.

**25.** The commission or its officers or servants shall at all reasonable times have free access to all buildings within which water is consumed or delivered, and may in their discretion place upon or within any premises a meter or meters; such meters when so placed shall be properly cared for by the owners or occupants of the property, and the said owners or occupants shall be held responsible for any damage or injury by neglect or otherwise which may result to such meters while within such premises.

Application  
of surplus

Rev. Stat.,  
c. 57.

**26.** Any surplus derived from the operations of the commission beyond what is deemed necessary for operating expenses shall, subject to the provisions of *The Power Commission Act*, be applied as far as practicable for the benefit or betterment of that part of the commission's system responsible for such surplus, and in the reduction of rates, the application accordingly of such funds being in the discretion of the commission.

Confirmation  
of prior  
transactions.

**27.** All acts and things done in execution or pursuance or intended execution of the Amalgamation Act, any special Act respecting the city and the amalgamated municipalities and the local boards of each, the commission, the Essex Border Utilities Commission or the Walkerville-East Windsor Water Commission are hereby ratified and confirmed.

Commence-  
ment of Act.

**28.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting the City of Windsor.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CLARK

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the City of Windsor.

---

MR. CLARK

---

(PRIVATE BILL)

No. 20

1936

# BILL

## An Act respecting the City of Windsor.

Preamble.

**W**HEREAS the corporation of the city of Windsor and The Windsor Utilities Commission, have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Windsor Act, 1936*.

Interpretation.

2. In this Act,—

"Amalgamation Act."  
1935, c. 74.

(a) "Amalgamation Act" shall mean *The City of Windsor (Amalgamation) Act, 1935*;

"Amalgamated municipalities."

(b) "Amalgamated municipalities" shall mean the former municipalities and corporations of the city of East Windsor, the town of Walkerville, the city of Windsor and the town of Sandwich;

"City."

(c) "City" shall mean the municipality and corporation of the city of Windsor as incorporated by the Amalgamation Act.

"Council."

(d) "Council" shall mean the municipal council of the city;

"Commission," etc.

(e) "Commission" and "Utilities Commission" shall mean The Windsor Utilities Commission;

"Essex Border Municipalities."  
1929, c. 98.

(f) "Essex Border Municipalities" shall mean the Essex Border Municipalities as defined by *The Consolidated Essex Border Utilities Act, 1929*;





"Local Board."

1935, c. 16.

(g) "Local Board" shall have the meaning given to the words in *The Department of Municipal Affairs Act, 1935*.

Confirmation of sales of lands acquired through non-payment of taxes.

1932, cc. 27, 95; 1935, c. 16.

3.—(1) All sales of land situate within the city acquired by the city or any of the amalgamated municipalities by the registration of tax arrears certificates under the provisions of *The Ontario Municipal Board Act, 1932*, *The City of Windsor Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and made by the city or any of the amalgamated municipalities, or the committees of supervisors thereof or The Windsor Finance Commission prior to the 1st day of March, 1936, are confirmed and declared to be legal, valid and binding, and all conveyances of land so sold executed under the seal of the city or any of the amalgamated municipalities by the mayor and clerk or treasurer thereof, purporting to convey the said lands to the purchaser thereof or his heirs or assigns are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested in the purchaser or his heirs or assigns and in his heirs and assigns, in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of the registration of the tax arrears certificate, or their assigns, and of all charges, liens and encumbrances thereon of every nature and kind and dower therein, except such charges, liens and encumbrances thereon as the city or the amalgamated municipalities may have reserved in connection with the sale or may otherwise possess, enjoy or be entitled to by virtue of any general or special Act and any taxes which have accrued due since the time of the sale.

Pending litigation not affected.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but subject to the provisions of this Act, the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Redemption certificates.

1932, c. 95; 1935, c. 16.

(3) From and after the date of the final passing of this Act, all redemption certificates of lands registered under the provisions of *The City of Windsor Act, 1932*, may be registered under *The Department of Municipal Affairs Act, 1935*.

Application of general statutes for utilities.

Rev. Stat., c. 249.

4. The Utilities Commission shall be a local board of the city and shall have the powers, rights, authorities, privileges and immunities of a municipal public utilities commission under *The Public Utilities Act* and the works under its control



shall be public utilities within the meaning of the said Act, and the provisions of the said Act shall apply to the commission except in so far as the same may be inconsistent with the provisions of this Act. Notwithstanding anything contained in any special or general Act the commission shall also be deemed to have been entrusted by the Amalgamation Act with the control and management of the construction, operation and maintenance of all works undertaken within the city for the distribution and supply of electrical power or energy.

Management, etc.,  
of utility  
undertakings.

5.—(1) The commission shall with respect to the works and undertakings heretofore owned by or under the management, control and operation of the Essex Border Utilities Commission, have the following powers, functions and duties,—

- (a) To manage, control, operate, maintain, extend and improve the same;
- (b) To prepare prior to the first day of February of each year, an estimate of the total amount required for the management, control, operation, extension and improvement thereof to be borne by each of the Essex Border municipalities and shall forthwith give to each of the municipal corporations a statement of the amount required to be paid by each of them;
- (c) To require each of the said municipal corporations to pay such part of the amount to be paid by it at such times during the year as the commission may decide;
- (d) With respect to any debenture or other indebtedness created by the city in connection with the extension or improvement of the said works or undertakings the commission shall determine the proportion of any such indebtedness which each of the said municipalities, other than the city, shall bear, and if such extension or improvement is to be paid for in full forthwith by the city the said estimates shall include the full amount payable by each municipal corporation aforesaid, and if the money required for the same is to be provided by the issue of debentures or by any other plan whereby the time for payment thereof is extended, the said estimates shall include the proper annual proportion thereof to be paid by each of the said municipalities, other than the city, and the amount so payable by each such municipality shall be added to the amount





payable by it in respect of the other requirements of the commission and the commission shall, if city debentures were issued therefor, pay over to the city the amounts received in respect of such indebtedness forthwith upon receipt thereof;

- (e) The amount to be paid by each of the said municipalities shall be a debt due and payable forthwith to the commission and may be recovered in any court of competent jurisdiction;

1929, c. 98.

- (f) To determine in the manner provided by *The Consolidated Essex Border Utilities Act, 1929*, as amended, the part of the municipality aforesaid the rateable property of which shall be liable for and shall pay any amount included in the estimates of the commission, and the amount so payable by any person in respect thereof shall be entered by the clerk of such municipality on the collector's roll and shall be collected at the same time and in the same manner as municipal taxes.

Distribution  
of annual  
expendi-  
tures.

- (2) The commission shall determine the proportion of the costs of the management, maintenance, operation, extensions or improvements of the said works and undertakings to be borne by each of the said Essex Border municipalities in accordance with the benefit thereof to each of them.

Reserves  
funds.

- (3) The commission may include in its annual estimates such sum as it may determine to be adequate for employees and public liability reserves, the rehabilitation and replacement of the works and undertakings under its control and for other purposes, and the amount so included shall, when received, be placed in a separate fund and the same and all accretions thereto shall be used exclusively for these purposes, and the commission may invest and re-invest the same in any securities authorized by the laws of the Province of Ontario for trust funds.

Powers of  
expropria-  
tion of land.

Rev. Stat.,  
c. 233.

- (4) For any of its purposes the commission may exercise the powers conferred on a municipal corporation by Part XV of *The Municipal Act* except the powers contained in section 343 of the said Act, and the provisions of the said Part XV shall, *mutatis mutandis*, apply to the commission.

Liability  
of last  
apportion-  
ment of  
interest  
of the  
municipal-  
ities.

- (5) The last apportionment or reapportionment heretofore made of the liability or any part thereof of the Essex Border municipalities shall be final and there shall be no further reapportionment thereof.





Exercise of  
powers  
of municipal  
councils.

**6.** The powers of a municipal corporation under sub-sections 39, 40 and 41 of section 399 of *The Municipal Act* are hereby vested in the commission.

Water rates.

**7.** The commission shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and shall fix the water rates to be charged for the use thereof by the owners or occupants of any lands, houses, tenements, lot or part of lot in respect of such premises, and may regulate the number of public hydrants in such places as it may see fit, and direct in what manner and for what purpose the same shall be used, all of which it may change at its discretion.

Frontage  
rates for  
water  
service.

**8.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an equal, annual special rate not exceeding eleven cents per foot of frontage upon all lands fronting or abutting upon any highway, lane or other public communication in, through or along which waterwork mains are laid as well as other land distant not more than 300-feet therefrom, whether or not the owners or occupants thereof use the water. The commission may reduce or increase the amount with which any land is chargeable by reason of such land fronting or abutting upon more than one street, or by reason of such land having a triangular or irregular shape.

Fire  
protection  
rate.

**9.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an annual, special rate not exceeding three mills in the dollar upon all the rateable property and business or other assessment of the city according to the last revised assessment roll, for the purpose of protection against fire.

Control  
over water  
service  
works.

**10.** All works which are supplied with water by the commission shall, while being so supplied, be under the direct supervision of the commission, and the commission may pass by-laws to regulate the connection of mains and pipes with the system and the supply of water therein, and do such acts as may be necessary to protect the system and every part thereof or the pressure or flow of water therein.

Rates to  
municipalities.

**11.** The commission shall fix annually the rent or rate to be charged to each municipality being furnished with water by the commission.

Agreements  
with  
municipalities.

**12.** The commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants and for any other services incidental to the supply of water upon such terms and for



such times as may be agreed, without the assent of the electors of any such municipality.

Water rates  
to be a lien  
on land.

**13.**—(1) All the water rates or rents by this Act or any Act respecting the waterworks of the commission authorized to be levied or charged shall be payable by the owners or occupants of the lands, houses, tenements, lots or parts of lots in respect whereof the said water rates or rents are charged, and the said water rates or rents, as well as all other rates, costs and charges directed by such Acts to be collected in the same manner as water rates or rents, shall be and shall be deemed to have been a lien or charge upon the lands, houses, tenements, lots or parts of lots of such owner to the same extent as the ordinary municipal taxes upon land are a charge or lien against the lands.

Collection  
of water  
rates  
arrears as  
taxes.

(2) When water rates or rents have been in arrears for a year or more the commission may forward to the collector of taxes for the city a statement of such arrears and the same shall be included in the next tax roll of the city and in the next tax bill of the person so in arrears, and shall be deemed to be taxes and shall be collected in the same manner as arrears of taxes for the year in which the said statement is forwarded to the collector.

Shut-off  
of water  
not to  
affect lien.

**14.** The shutting off of water or an attempt to collect any water rate or rent by any process in this Act prescribed shall not in any way invalidate the lien or charge on the premises as hereinbefore provided or any right of action to collect the same in the courts.



Powers of  
Commission  
subject to  
provisions of  
1935, cc. 74,  
16.

**15.** Notwithstanding the provisions of this Act all such provisions and all the powers conferred thereby on the Utilities Commission shall be subject to the provisions of the *Amalgamation Act* and of Part III of *The Department of Municipal Affairs Act, 1935*, and the said commission and its affairs and the exercise of any of its powers shall be subject to the supervision and control set forth in the said Acts.



Commence-  
ment of Act.

**16.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.









An Act respecting the City of Windsor.

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*1st Reading*

March 30th, 1936

*2nd Reading*

*3rd Reading*

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MR. CLARK

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(Reprinted as amended by the Committee on  
*Private Bills*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of Windsor.

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MR. CLARK

---

# BILL

## An Act respecting the City of Windsor.

### Preamble.

**W**HEREAS the corporation of the city of Windsor and The Windsor Utilities Commission, have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The City of Windsor Act, 1936*.

### Interpre- tation.

**2.** In this Act,—

"Amalga-  
mation Act."  
1935, c. 74.

(a) "Amalgamation Act" shall mean *The City of Windsor (Amalgamation) Act, 1935*;

"Amalga-  
mated  
municipali-  
ties."

(b) "Amalgamated municipalities" shall mean the former municipalities and corporations of the city of East Windsor, the town of Walkerville, the city of Windsor and the town of Sandwich;

"City"

(c) "City" shall mean the municipality and corporation of the city of Windsor as incorporated by the Amalgamation Act.

"Council."

(d) "Council" shall mean the municipal council of the city;

"Commis-  
sion," etc.

(e) "Commission" and "Utilities Commission" shall mean The Windsor Utilities Commission;

"Essex  
Border  
Municipali-  
ties."

(f) "Essex Border Municipalities" shall mean the Essex Border Municipalities as defined by *The Consolidated Essex Border Utilities Act, 1929*;

1929, c. 98.

- (g) "Local Board" shall have the meaning given to the "Local Board," words in *The Department of Municipal Affairs Act, 1935*. 1935, c. 16.

3.—(1) All sales of land situate within the city acquired by the city or any of the amalgamated municipalities by the registration of tax arrears certificates under the provisions of *The Ontario Municipal Board Act, 1932*, *The City of Windsor Act, 1932*, or *The Department of Municipal Affairs Act, 1935*, and made by the city or any of the amalgamated municipalities, or the committees of supervisors thereof or The Windsor Finance Commission prior to the 1st day of March, 1936, are confirmed and declared to be legal, valid and binding, and all conveyances of land so sold executed under the seal of the city or any of the amalgamated municipalities by the mayor and clerk or treasurer thereof, purporting to convey the said lands to the purchaser thereof or his heirs or assigns are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested in the purchaser or his heirs or assigns and in his heirs and assigns, in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of the registration of the tax arrears certificate, or their assigns, and of all charges, liens and encumbrances thereon of every nature and kind and dower therein, except such charges, liens and encumbrances thereon as the city or the amalgamated municipalities may have reserved in connection with the sale or may otherwise possess, enjoy or be entitled to by virtue of any general or special Act and any taxes which have accrued due since the time of the sale.

Confirmation of sales of lands acquired through non-payment of taxes. 1932, cc. 27, 95; 1935, c. 16.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but subject to the provisions of this Act, the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Pending litigation not affected.

(3) From and after the date of the final passing of this Act, all redemption certificates of lands registered under the provisions of *The City of Windsor Act, 1932*, may be registered under *The Department of Municipal Affairs Act, 1935*.

Redemption certificates. 1932, c. 95; 1935, c. 16.

4. The Utilities Commission shall be a local board of the city and shall have the powers, rights, authorities, privileges and immunities of a municipal public utilities commission under *The Public Utilities Act* and the works under its control

Application of general statutes for utilities. Rev. Stat., c. 249.



shall be public utilities within the meaning of the said Act, and the provisions of the said Act shall apply to the commission except in so far as the same may be inconsistent with the provisions of this Act. Notwithstanding anything contained in any special or general Act the commission shall also be deemed to have been entrusted by the Amalgamation Act with the control and management of the construction, operation and maintenance of all works undertaken within the city for the distribution and supply of electrical power or energy.

Management, etc.,  
of utility  
undertakings.

5.—(1) The commission shall with respect to the works and undertakings heretofore owned by or under the management, control and operation of the Essex Border Utilities Commission, have the following powers, functions and duties,—

- (a) To manage, control, operate, maintain, extend and improve the same;
- (b) To prepare prior to the first day of February of each year, an estimate of the total amount required for the management, control, operation, extension and improvement thereof to be borne by each of the Essex Border municipalities and shall forthwith give to each of the municipal corporations a statement of the amount required to be paid by each of them;
- (c) To require each of the said municipal corporations to pay such part of the amount to be paid by it at such times during the year as the commission may decide;
- (d) With respect to any debenture or other indebtedness created by the city in connection with the extension or improvement of the said works or undertakings the commission shall determine the proportion of any such indebtedness which each of the said municipalities, other than the city, shall bear, and if such extension or improvement is to be paid for in full forthwith by the city the said estimates shall include the full amount payable by each municipal corporation aforesaid, and if the money required for the same is to be provided by the issue of debentures or by any other plan whereby the time for payment thereof is extended, the said estimates shall include the proper annual proportion thereof to be paid by each of the said municipalities, other than the city, and the amount so payable by each such municipality shall be added to the amount

payable by it in respect of the other requirements of the commission and the commission shall, if city debentures were issued therefor, pay over to the city the amounts received in respect of such indebtedness forthwith upon receipt thereof;

- (e) The amount to be paid by each of the said municipalities shall be a debt due and payable forthwith to the commission and may be recovered in any court of competent jurisdiction;
- (f) To determine in the manner provided by *The Consolidated Essex Border Utilities Act, 1929*, as amended, the part of the municipality aforesaid the rateable property of which shall be liable for and shall pay any amount included in the estimates of the commission, and the amount so payable by any person in respect thereof shall be entered by the clerk of such municipality on the collector's roll and shall be collected at the same time and in the same manner as municipal taxes.

(2) The commission shall determine the proportion of the costs of the management, maintenance, operation, extensions or improvements of the said works and undertakings to be borne by each of the said Essex Border municipalities in accordance with the benefit thereof to each of them.

Distribution of annual expenditures.

(3) The commission may include in its annual estimates such sum as it may determine to be adequate for employees and public liability reserves, the rehabilitation and replacement of the works and undertakings under its control and for other purposes, and the amount so included shall, when received, be placed in a separate fund and the same and all accretions thereto shall be used exclusively for these purposes, and the commission may invest and re-invest the same in any securities authorized by the laws of the Province of Ontario for trust funds.

Reserves funds.

(4) For any of its purposes the commission may exercise the powers conferred on a municipal corporation by Part XV of *The Municipal Act* except the powers contained in section 343 of the said Act, and the provisions of the said Part XV shall, *mutatis mutandis*, apply to the commission.

Powers of expropriation of land.  
Rev. Stat., c. 233.

(5) The last apportionment or reapportionment heretofore made of the liability or any part thereof of the Essex Border municipalities shall be final and there shall be no further reapportionment thereof.

Liability of last apportionment of interest of the municipalities.



Exercise of  
powers  
of municipal  
councils.

**6.** The powers of a municipal corporation under sub-sections 39, 40 and 41 of section 399 of *The Municipal Act* are hereby vested in the commission.

Water rates.

**7.** The commission shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and shall fix the water rates to be charged for the use thereof by the owners or occupants of any lands, houses, tenements, lot or part of lot in respect of such premises, and may regulate the number of public hydrants in such places as it may see fit, and direct in what manner and for what purpose the same shall be used, all of which it may change at its discretion.

Frontage  
rates for  
water  
service.

**8.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an equal annual special rate not exceeding eleven cents per foot of frontage upon all lands fronting or abutting upon any highway, lane or other public communication in, through or along which waterwork mains are laid as well as other land distant not more than 300-feet therefrom, whether or not the owners or occupants thereof use the water. The commission may reduce or increase the amount with which any land is chargeable by reason of such land fronting or abutting upon more than one street, or by reason of such land having a triangular or irregular shape.

Fire  
protection  
rate.

**9.** In addition to any other rates charged by the commission for the general purposes of the commission, the commission may impose and levy an annual special rate not exceeding three mills in the dollar upon all the rateable property and business or other assessment of the city according to the last revised assessment roll, for the purpose of protection against fire.

Control  
over water  
service  
works.

**10.** All works which are supplied with water by the commission shall, while being so supplied, be under the direct supervision of the commission, and the commission may pass by-laws to regulate the connection of mains and pipes with the system and the supply of water therein, and do such acts as may be necessary to protect the system and every part thereof or the pressure or flow of water therein.

Rates to  
municipalities.

**11.** The commission shall fix annually the rent or rate to be charged to each municipality being furnished with water by the commission.

Agreements  
with  
municipalities.

**12.** The commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants and for any other services incidental to the supply of water upon such terms and for

such times as may be agreed, without the assent of the electors of any such municipality.

**13.—**(1) All the water rates or rents by this Act or any Act respecting the waterworks of the commission authorized to be levied or charged shall be payable by the owners or occupants of the lands, houses, tenements, lots or parts of lots in respect whereof the said water rates or rents are charged, and the said water rates or rents, as well as all other rates, costs and charges directed by such Acts to be collected in the same manner as water rates or rents, shall be and shall be deemed to have been a lien or charge upon the lands, houses, tenements, lots or parts of lots of such owner to the same extent as the ordinary municipal taxes upon land are a charge or lien against the lands. Water rates to be a lien on land.

(2) When water rates or rents have been in arrears for a year or more the commission may forward to the collector of taxes for the city a statement of such arrears and the same shall be included in the next tax roll of the city and in the next tax bill of the person so in arrears, and shall be deemed to be taxes and shall be collected in the same manner as arrears of taxes for the year in which the said statement is forwarded to the collector. Collection of water rates arrears as taxes.

**14.** The shutting off of water or an attempt to collect any water rate or rent by any process in this Act prescribed shall not in any way invalidate the lien or charge on the premises as hereinbefore provided or any right of action to collect the same in the courts. Shut-off of water not to affect lien.

**15.** Notwithstanding the provisions of this Act all such provisions and all the powers conferred thereby on the Utilities Commission shall be subject to the provisions of the Amalgamation Act and of Part III of *The Department of Municipal Affairs Act, 1935*, and the said commission and its affairs and the exercise of any of its powers shall be subject to the supervision and control set forth in the said Acts. Powers of Commission subject to provisions of 1935, cc. 74, 16.

**16.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

An Act respecting the City of Windsor.

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*1st Reading*

March 30th, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

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MR. CLARK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of St. Catharines.

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MR. AVERY

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(PRIVATE BILL)



No. 21

1936

# BILL

An Act respecting the City of St. Catharines.

Preamble.

**W**HEREAS the Corporation of the City of St. Catharines has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The City of St. Catharines Act, 1936*.

By-law  
No. 4293  
confirmed.

**2.** By-law No. 4293 of the Corporation of the City of St. Catharines, passed on the 29th day of January, 1936, being a by-law to authorize the construction of a new City Hall and Police Station and to issue debentures for \$150,000 for such purpose, is hereby declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

Tax sales  
and  
conveyances  
confirmed.

**3.—(1)** All sales of land within the City of St. Catharines made prior to the 31st day of December, 1934, and purporting to have been made by the Corporation of the City of St. Catharines or its treasurer for arrears of taxes in respect to the land so sold are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said land so sold to the purchaser thereof or his heirs or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser or his heirs or assigns and his or their heirs and assigns, or in the corporation and its successors and assigns, as the case may be, in fee simple, and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the land was sold.

Exception as  
to pending  
litigation.

**(2)** Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other





proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Commence-  
ment of Act.

4. This Act, other than section 3, shall come into force on the day upon which it receives the Royal Assent. Section 3 shall come into force on the 1st day of July, 1936.



## CITY OF ST. CATHARINES

## By-Law No. 4293

A By-law to authorize the construction of a new City Hall and Police Station and to issue debentures for \$150,000.00 for such purpose.

WHEREAS it is desirable and in the interests of the Corporation and of its inhabitants that a new City Hall and Police Station, including a public comfort station, be constructed.

AND WHEREAS the cost of constructing such City Hall and Police Station has been estimated at \$150,000.00 which sum it will be necessary to provide by the issue of debentures.

AND WHEREAS in providing the said sum by the issue of debentures for \$150,000.00, which with interest is the amount of the debt intended to be created by this by-law, it is desirable to make such debentures repayable in annual instalments during the period of thirty years from the date of their issue with interest thereon at the rate of 3½ per centum per annum, payable half-yearly.

AND WHEREAS it is expedient to make the principal of the said debt repayable in equal annual instalments during the said period of thirty years and it will be necessary to raise annually the respective sums hereinafter mentioned, during the period of thirty years to pay the said yearly sums of principal and interest as they become due, by a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines.

AND WHEREAS the amount of the whole of the said rateable property, according to the last revised assessment roll, is \$24,365,755.00 and the existing debenture debt of the Corporation, exclusive of local improvement and other debt, which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$1,455,026.93 and no part of the principal or interest thereof is in arrear.

NOW THEREFORE the Council of the Corporation of the City of St. Catharines enacts as follows:

1. That the construction of a new City Hall and Police Station, including a public comfort station, be and the same is hereby authorized.
2. That for the purpose aforesaid it shall be lawful for the Council of the Corporation to borrow the sum of \$150,000.00 upon debentures of the Corporation and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor of the Corporation and countersigned by the Commissioner of Finance and sealed with the corporate seal.
3. The said debentures shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years and the respective amounts of principal and interest payable in each of such years shall be as follows:



YEAR	PRINCIPAL	INTEREST	TOTAL
1 .....	\$5,000.00	\$5,250.00	\$10,250.00
2 .....	5,000.00	5,075.00	10,075.00
3 .....	5,000.00	4,900.00	9,900.00
4 .....	5,000.00	4,725.00	9,725.00
5 .....	5,000.00	4,550.00	9,550.00
6 .....	5,000.00	4,375.00	9,375.00
7 .....	5,000.00	4,200.00	9,200.00
8 .....	5,000.00	4,025.00	9,025.00
9 .....	5,000.00	3,850.00	8,850.00
10 .....	5,000.00	3,675.00	8,675.00
11 .....	5,000.00	3,500.00	8,500.00
12 .....	5,000.00	3,325.00	8,325.00
13 .....	5,000.00	3,150.00	8,150.00
14 .....	5,000.00	2,975.00	7,975.00
15 .....	5,000.00	2,800.00	7,800.00
16 .....	5,000.00	2,625.00	7,625.00
17 .....	5,000.00	2,450.00	7,450.00
18 .....	5,000.00	2,275.00	7,275.00
19 .....	5,000.00	2,100.00	7,100.00
20 .....	5,000.00	1,925.00	6,925.00
21 .....	5,000.00	1,750.00	6,750.00
22 .....	5,000.00	1,575.00	6,575.00
23 .....	5,000.00	1,400.00	6,400.00
24 .....	5,000.00	1,225.00	6,225.00
25 .....	5,000.00	1,050.00	6,050.00
26 .....	5,000.00	875.00	5,875.00
27 .....	5,000.00	700.00	5,700.00
28 .....	5,000.00	525.00	5,525.00
29 .....	5,000.00	350.00	5,350.00
30 .....	5,000.00	175.00	5,175.00
			\$150,000.00

4. The said debentures shall bear interest at the rate of  $3\frac{1}{2}$  per centum per annum, payable half-yearly in each and every year during the currency thereof, coupons to be attached thereto for the payment of such interest.

5. The debentures, both as to principal and interest, may be expressed in Canadian currency and be payable at any place or places in Canada.

6. During the currency of the said debentures there shall be raised and levied annually in respect thereof, by a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines, the amount for each of the said before mentioned years respectively, as is required to meet the annual instalment of principal and interest payable in such year as shown and set forth in paragraph 3 hereof.

7. The Mayor and the Commissioner of Finance are hereby authorized, pending the issue and sale of the said debentures, to agree with the Imperial Bank of Canada or any person for temporary advances to meet expenditures incurred for the purpose for which such debentures are authorized to be issued.

8. This by-law shall not be passed until it has received the assent of the electors of the City of St. Catharines qualified to vote on money by-laws and the approval of the Ontario Municipal Board and shall not come into force until it has been validated by the Legislative Assembly of the Province of Ontario.

Passed this 29th day of January, 1936.

(Sgd.) HERBERT H. SMITH,  
Clerk.

W. J. WESTWOOD,  
Mayor.









An Act respecting the City of  
St. Catharines

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. AVERY

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the City of St. Catharines.

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MR. AVERY

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No. 21

1936

# BILL

## An Act respecting the City of St. Catharines.

Preamble.

**W**HEREAS the Corporation of the City of St. Catharines has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The City of St. Catharines Act, 1936*.

By-law  
No. 4293  
confirmed.

**2.** By-law No. 4293 of the Corporation of the City of St. Catharines, passed on the 29th day of January, 1936, being a by-law to authorize the construction of a new City Hall and Police Station and to issue debentures for \$150,000 for such purpose, is hereby declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

Tax sales  
and  
conveyances  
confirmed.

**3.—(1)** All sales of land within the City of St. Catharines made prior to the 31st day of December, 1934, and purporting to have been made by the Corporation of the City of St. Catharines or its treasurer for arrears of taxes in respect to the land so sold are hereby validated and confirmed, and all conveyances of land so sold executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said land so sold to the purchaser thereof or his heirs or assigns, or to the said corporation, shall have the effect of vesting the land so sold in the purchaser or his heirs or assigns and his or their heirs and assigns, or in the corporation and its successors and assigns, as the case may be, in fee simple, and clear of and free from all right, title and interest whatsoever of the owners thereof at the time of the said sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the land was sold.

Exception as  
to pending  
litigation.

**(2)** Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other

proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

4. This Act, other than section 3, shall come into force on the day upon which it receives the Royal Assent. Section 3 shall come into force on the 1st day of July, 1936. <sup>Commence-</sup>  
<sup>ment of Act.</sup>



## CITY OF ST. CATHARINES

## By-Law No. 4293

A By-law to authorize the construction of a new City Hall and Police Station and to issue debentures for \$150,000.00 for such purpose.

WHEREAS it is desirable and in the interests of the Corporation and of its inhabitants that a new City Hall and Police Station, including a public comfort station, be constructed.

AND WHEREAS the cost of constructing such City Hall and Police Station has been estimated at \$150,000.00 which sum it will be necessary to provide by the issue of debentures.

AND WHEREAS in providing the said sum by the issue of debentures for \$150,000.00, which with interest is the amount of the debt intended to be created by this by-law, it is desirable to make such debentures repayable in annual instalments during the period of thirty years from the date of their issue with interest thereon at the rate of  $3\frac{1}{2}$  per centum per annum, payable half-yearly.

AND WHEREAS it is expedient to make the principal of the said debt repayable in equal annual instalments during the said period of thirty years and it will be necessary to raise annually the respective sums hereinafter mentioned, during the period of thirty years to pay the said yearly sums of principal and interest as they become due, by a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines.

AND WHEREAS the amount of the whole of the said rateable property, according to the last revised assessment roll, is \$24,365,755.00 and the existing debenture debt of the Corporation, exclusive of local improvement and other debt, which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$1,455,026.93 and no part of the principal or interest thereof is in arrear.

NOW THEREFORE the Council of the Corporation of the City of St. Catharines enacts as follows:

1. That the construction of a new City Hall and Police Station, including a public comfort station, be and the same is hereby authorized.

2. That for the purpose aforesaid it shall be lawful for the Council of the Corporation to borrow the sum of \$150,000.00 upon debentures of the Corporation and debentures shall be made and issued therefor in sums of not less than \$100.00 each, which debentures shall be signed by the Mayor of the Corporation and countersigned by the Commissioner of Finance and sealed with the corporate seal.

3. The said debentures shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years and the respective amounts of principal and interest payable in each of such years shall be as follows:

YEAR	PRINCIPAL	INTEREST	TOTAL
1	\$5,000.00	\$5,250.00	\$10,250.00
2	5,000.00	5,075.00	10,075.00
3	5,000.00	4,900.00	9,900.00
4	5,000.00	4,725.00	9,725.00
5	5,000.00	4,550.00	9,550.00
6	5,000.00	4,375.00	9,375.00
7	5,000.00	4,200.00	9,200.00
8	5,000.00	4,025.00	9,025.00
9	5,000.00	3,850.00	8,850.00
10	5,000.00	3,675.00	8,675.00
11	5,000.00	3,500.00	8,500.00
12	5,000.00	3,325.00	8,325.00
13	5,000.00	3,150.00	8,150.00
14	5,000.00	2,975.00	7,975.00
15	5,000.00	2,800.00	7,800.00
16	5,000.00	2,625.00	7,625.00
17	5,000.00	2,450.00	7,450.00
18	5,000.00	2,275.00	7,275.00
19	5,000.00	2,100.00	7,100.00
20	5,000.00	1,925.00	6,925.00
21	5,000.00	1,750.00	6,750.00
22	5,000.00	1,575.00	6,575.00
23	5,000.00	1,400.00	6,400.00
24	5,000.00	1,225.00	6,225.00
25	5,000.00	1,050.00	6,050.00
26	5,000.00	875.00	5,875.00
27	5,000.00	700.00	5,700.00
28	5,000.00	525.00	5,525.00
29	5,000.00	350.00	5,350.00
30	5,000.00	175.00	5,175.00

\$150,000.00

4. The said debentures shall bear interest at the rate of  $3\frac{1}{2}$  per centum per annum, payable half-yearly in each and every year during the currency thereof, coupons to be attached thereto for the payment of such interest.

5. The debentures, both as to principal and interest, may be expressed in Canadian currency and be payable at any place or places in Canada.

6. During the currency of the said debentures there shall be raised and levied annually in respect thereof, by a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines, the amount for each of the said before mentioned years respectively, as is required to meet the annual instalment of principal and interest payable in such year as shown and set forth in paragraph 3 hereof.

7. The Mayor and the Commissioner of Finance are hereby authorized, pending the issue and sale of the said debentures, to agree with the Imperial Bank of Canada or any person for temporary advances to meet expenditures incurred for the purpose for which such debentures are authorized to be issued.

8. This by-law shall not be passed until it has received the assent of the electors of the City of St. Catharines qualified to vote on money by-laws and the approval of the Ontario Municipal Board and shall not come into force until it has been validated by the Legislative Assembly of the Province of Ontario.

Passed this 29th day of January, 1936.

(Sgd.) HERBERT H. SMITH,  
Clerk.

W. J. WESTWOOD,  
Mayor.





BILL

An Act respecting the City of  
St. Catharines

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*1st Reading*

March 10th, 1936

*2nd Reading*

March 23rd, 1935

*3rd Reading*

April 3rd, 1936

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MR. AVERY

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No. 22

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the County of Kent.

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MR. GORDON

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the County of Kent.

### Preamble.

**W**HEREAS the corporation of the county of Kent has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The County of Kent Act, 1936*.

### Confirmation of by-laws for equalization of assessment and levies of county rates.

**2.** By-law number 1415 of the corporation of the county of Kent passed on the 14th day of June, 1935, providing for the equalization of the assessment for the county of Kent, as well as the by-laws apportioning and levying the county rate thereunder for the year 1935, and all by-laws passed in preceding years equalizing the said assessment and levying county rates thereunder, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and upon each of the townships, towns and villages in and forming part of the said county and the ratepayers thereof respectively.

### By-law No. 1427 confirmed.

**3.** Subject to the provisions of section 4, by-law number 1427 of the said corporation passed on the 22nd day of October, 1935, providing for the equalization of the assessment of the different townships, towns and villages in the said county of Kent for the year 1936, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and upon each of the said local municipalities in and forming part of the said county and the ratepayers thereof respectively; and subject as aforesaid the council of the said corporation is hereby authorized and empowered to apportion and levy the county rate for the year 1936 on the basis of the schedule incorporated in and forming a part of the said by-law.

### Right to appeal from By-law No. 1427 provided for.

**4.** Notwithstanding anything contained in section 3, any of the said local municipalities which is dissatisfied with the valuations as set out in the schedule incorporated in and



Rev. Stat.,  
c. 238.

forming part of the said by-law number 1427 shall have the right to appeal from the said by-law and the equalization of assessments made thereunder in the same manner and to the same extent as is provided for in section 90 of *The Assessment Act*, except as to the validity of the said by-law number 1427, by serving notice in writing upon the clerk of the said county at any time within ten days after the day when this Act comes into force and in the event of any appeal or appeals being so made the provisions of the said Act in respect to appeals from an equalization of assessments by a county council shall be applicable and govern, except as aforesaid, and that the time for determination of such appeal or appeals by the court shall be extended to the 1st day of June, 1936.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



## BY-LAW No. 1415

A BY-LAW to equalize the assessment of the different Municipalities in the County of Kent for the year 1935.

WHEREAS it is required by The Assessment Act that the Council of every county shall equalize the assessment of the various municipalities in the County for the purpose of County Rates.

AND WHEREAS for the purpose of such equalization the Council of the Corporation of the County of Kent has examined the Assessment Rolls of the various municipalities for the year 1935.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the County of Kent.

1. That the Assessment of the different municipalities in the County of Kent for the purpose of raising the County Rate for the year 1935 be and the same is hereby equalized at the sum set opposite the names of the separate municipalities in the County.

That is to say:

Camden Township.....	\$2,303,640.00
Chatham Township.....	5,474,628.00
Dover Township.....	4,724,244.00
Harwich Township.....	6,077,430.00
Howard Township.....	3,317,112.00
Orford Township.....	2,239,407.00
Raleigh Township.....	4,719,546.00
Romney Township.....	1,739,718.00
Tilbury East Township.....	3,270,294.00
Zone Township.....	792,018.00
Blenheim Town.....	696,600.00
Bothwell Town.....	182,250.00
Dresden Town.....	611,550.00
Ridgetown Town.....	769,500.00
Tilbury Town.....	567,000.00
Wallaceburg Town.....	1,437,750.00
Erieau Village.....	141,750.00
Erie Beach Village.....	68,850.00
Highgate Village.....	182,250.00
Thamesville Village.....	303,750.00
Wheatley Village.....	277,830.00
Total.....	\$39,897,117.00

2. That the Council of the Corporation of the County of Kent is declared to be willing in cases of appeal to have the final equalization of the assessment made by the County Judge.

FINALLY PASSED in open Council this 14th day of June, A.D. 1935.

W. M. ABRAHAM,  
Clerk.

W. J. SCRIVEN,  
Warden.

## BY-LAW No. 1427

A BY-LAW to equalize the assessment of the different Townships, Towns and Villages, in the County of Kent, for the year 1936.

WHEREAS the Council of the Corporation of the County of Kent did pass a By-law numbered 1426 on the 11th day of July, 1935, appointing two Valuers for the purpose of valuating the real property within the County, and to make a report to the County Council as provided for by Section 88, Subsections 1, 2, 3, 4 and 5, Chapter 238, R.S.O. 1927.





AND WHEREAS the Council of the Corporation of the County of Kent deem it expedient to adopt the report of the Valutors.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the County of Kent as follows:

1. That the values set forth in the report of the Valutors for the different Townships, Towns and Villages, shall be adopted, and the same is hereby fixed as the equalized valuation of the different Townships, Towns and Villages in the County of Kent for the year 1936, such values being contained in the following schedule.

2. That in case of an appeal from this equalization the County is willing to have the appeal heard by the County Judge.

3. Finally passed in open Council this 22nd day of October, A.D. 1935.

W. M. ABRAHAM,  
Clerk.

(Seal of the  
Corporation  
of the  
County of Kent)

W. J. SCRIVEN,  
Warden.

#### SCHEDULE

Municipality	Valuation
Camden.....	\$2,129,000.00
Chatham.....	5,510,000.00
Dover.....	4,218,000.00
Harwich.....	5,973,000.00
Howard.....	3,392,000.00
Orford.....	2,331,000.00
Raleigh.....	4,648,000.00
Romney.....	1,709,000.00
Tilbury East.....	3,156,000.00
Zone.....	750,000.00
Blenheim.....	813,000.00
Bothwell.....	213,000.00
Dresden.....	570,000.00
Ridgetown.....	868,000.00
Tilbury.....	720,000.00
Wallaceburg.....	1,844,000.00
Erie Beach.....	111,000.00
Erieau.....	206,000.00
Highgate.....	160,000.00
Thamesville.....	386,000.00
Wheatley.....	293,000.00
Total.....	\$40,000,000.00







BILL

An Act respecting the County of Kent.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. GORDON

---

*(Private Bill)*

No. 22

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the County of Kent.

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MR. GORDON

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 22

1936

# BILL

## An Act respecting the County of Kent.

Preamble.

**W**HEREAS the corporation of the county of Kent has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The County of Kent Act, 1936*.

Confirmation of by-laws for equalization of assessment and levies of county rates.

**2.** By-law number 1415 of the corporation of the county of Kent passed on the 14th day of June, 1935, providing for the equalization of the assessment for the county of Kent, as well as the by-laws apportioning and levying the county rate thereunder for the year 1935, and all by-laws passed in preceding years equalizing the said assessment and levying county rates thereunder, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and upon each of the townships, towns and villages in and forming part of the said county and the ratepayers thereof respectively.

By-law No. 1427 confirmed.

**3.** Subject to the provisions of section 4, by-law number 1427 of the said corporation passed on the 22nd day of October, 1935, providing for the equalization of the assessment of the different townships, towns and villages in the said county of Kent for the year 1936, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and upon each of the said local municipalities in and forming part of the said county and the ratepayers thereof respectively; and subject as aforesaid the council of the said corporation is hereby authorized and empowered to apportion and levy the county rate for the year 1936 on the basis of the schedule incorporated in and forming a part of the said by-law.

Right to appeal from By-law No. 1427 provided for.

**4.** Notwithstanding anything contained in section 3, any of the said local municipalities which is dissatisfied with the valuations as set out in the schedule incorporated in and

forming part of the said by-law number 1427 shall have the right to appeal from the said by-law and the equalization of assessments made thereunder in the same manner and to the same extent as is provided for in section 90 of *The Assessment Act*, except as to the validity of the said by-law number 1427, by serving notice in writing upon the clerk of the said county at any time within ten days after the day when this Act comes into force and in the event of any appeal or appeals being so made the provisions of the said Act in respect to appeals from an equalization of assessments by a county council shall be applicable and govern, except as aforesaid, and that the time for determination of such appeal or appeals by the court shall be extended to the 1st day of June, 1936.

Rev. Stat..  
c. 238.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

## BY-LAW No. 1415

A By-LAW to equalize the assessment of the different Municipalities in the County of Kent for the year 1935.

WHEREAS it is required by The Assessment Act that the Council of every county shall equalize the assessment of the various municipalities in the County for the purpose of County Rates.

AND WHEREAS for the purpose of such equalization the Council of the Corporation of the County of Kent has examined the Assessment Rolls of the various municipalities for the year 1935.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the County of Kent.

1. That the Assessment of the different municipalities in the County of Kent for the purpose of raising the County Rate for the year 1935 be and the same is hereby equalized at the sum set opposite the names of the separate municipalities in the County.

That is to say:

Camden Township.....	\$2,303,640.00
Chatham Township.....	5,474,628.00
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Thamesville Village.....	303,750.00
Wheatley Village.....	277,830.00
Total.....	\$39,897,117.00

2. That the Council of the Corporation of the County of Kent is declared to be willing in cases of appeal to have the final equalization of the assessment made by the County Judge.

FINALLY PASSED in open Council this 14th day of June, A.D. 1935.

W. M. ABRAHAM,  
Clerk

W. J. SCRIVEN,  
Warden.

## BY-LAW No. 1427

A By-LAW to equalize the assessment of the different Townships, Towns and Villages, in the County of Kent, for the year 1936.

WHEREAS the Council of the Corporation of the County of Kent did pass a By-law numbered 1426 on the 11th day of July, 1935, appointing two Valuers for the purpose of valuating the real property within the County, and to make a report to the County Council as provided for by Section 88, Subsections 1, 2, 3, 4 and 5, Chapter 238, R.S.O. 1927.

AND WHEREAS the Council of the Corporation of the County of Kent deem it expedient to adopt the report of the Valuator.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the County of Kent as follows:

1. That the values set forth in the report of the Valuator for the different Townships, Towns and Villages, shall be adopted, and the same is hereby fixed as the equalized valuation of the different Townships, Towns and Villages in the County of Kent for the year 1936, such values being contained in the following schedule.

2. That in case of an appeal from this equalization the County is willing to have the appeal heard by the County Judge.

3. Finally passed in open Council this 22nd day of October, A.D. 1935.

W. M. ABRAHAM,  
Clerk.

(Seal of the  
Corporation  
of the  
County of Kent)

W. J. SCRIVEN,  
Warden.

#### SCHEDULE

Municipality	Valuation
Camden.....	\$2,129,000.00
Chatham.....	5,510,000.00
Dover.....	4,218,000.00
Harwich.....	5,973,000.00
Howard.....	3,392,000.00
Orford.....	2,331,000.00
Raleigh.....	4,648,000.00
Romney.....	1,709,000.00
Tilbury East.....	3,156,000.00
Zone.....	750,000.00
Blenheim.....	813,000.00
Bothwell.....	213,000.00
Dresden.....	570,000.00
Ridgetown.....	868,000.00
Tilbury.....	720,000.00
Wallaceburg.....	1,844,000.00
Erie Beach.....	111,000.00
Erieau.....	206,000.00
Highgate.....	160,000.00
Thamesville.....	386,000.00
Wheatley.....	293,000.00
Total.....	\$40,000,000.00









An Act respecting the County of Kent.

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*1st Reading*

March 25th, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 9th, 1936

---

MR. GORDON

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No. 23

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting The Mercantile Fire Insurance Company.

---

MR. STRACHAN

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(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting The Mercantile Fire Insurance Company.

Preamble.

**W**HEREAS The Mercantile Fire Insurance Company incorporated by chapter 87 of the Statutes of Ontario, 1874, as amended by chapter 101 of the Statutes of Ontario, 1892, has by its petition prayed for special legislation further amending its said Act of incorporation by extending its powers to cover all classes of insurance, except life insurance and ocean marine insurance, and by changing its head office from the town of Waterloo to the city of Toronto and for other amendments as are hereinafter more particularly set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Mercantile Fire Insurance Company Act, 1936*.

1874,  
c. 87, s. 4,  
amended.

**2.** Section 4 of the Act, entitled, *An Act to incorporate The Mercantile Fire Insurance Company*, being chapter 87 of the Statutes of Ontario, 1874, is amended by striking out the words "said Village of Waterloo" where they appear in the said section and substituting therefor the words "city of Toronto."

1874,  
c. 87, s. 7,  
re-enacted.

**3.** Section 7 of the said Act of incorporation as amended by section 1 of chapter 101 of the Statutes of Ontario, 1892, is repealed and the following substituted therefor:

Company  
to have  
power to  
insure.

**7.** The company hereby constituted, shall have capacity, power and authority to carry on the business of insurance in all or any of its branches or classes except the classes of insurance known as life insurance and ocean marine insurance and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all necessary matters



and things connected with and proper to promote or carry out those objects.

1874,  
c. 87, s. 8,  
re-enacted.

4. Section 8 of the said Act of incorporation as amended by section 3 of the said chapter 101 of the Statutes of Ontario, 1892, is repealed and the following substituted therefor:

Power to  
hold real  
estate.

8. The said company shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely, any lands or tenements, for their actual use and occupation, in the course of their business, and may sell, let, convey, transfer, and dispose of, as to them shall seem expedient; and the said company may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts, or judgments which shall have been obtained for such debts and it shall be lawful for the said company to purchase and hold for the purpose of investing therein, any part of their funds or moneys; any of the public securities of the Dominion of Canada, or of any of the Provinces forming, or to form said Dominion; any of the securities authorized by *The Ontario Insurance Act* and the debentures of any municipal corporation in Ontario; and also to sell and transfer the same, and again to renew such investments when, and so often as a due regard to the interests of said company may require; and also to make loans of the funds of the company on mortgage, at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require; Provided always that all real estate so mortgaged or conveyed in security, as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the company.

1874,  
c. 87, s. 9,  
amended.

5. Section 9 of the said Act of incorporation is amended by striking out the words "Village of Waterloo in the County of Waterloo" in the second line and inserting in lieu thereof the words "city of Toronto in the county of York" so that the said section shall now read as follows:

Head Office.

9. The head office of the company shall be located at the city of Toronto, in the county of York; and Province of Ontario.

1874,  
c. 87, s. 11,  
amended.

6. Section 11 of the said Act of incorporation is amended by striking out the words "Provided always, that no clerk





or other employee of the said company shall vote at the election of directors" where they occur at the end of the said section.

1874,  
c. 87, s. 13,  
amended.

**7.** Section 13 of the said Act of incorporation is amended by striking out the words "at least thirty days notice thereof, in some newspaper published in the said Village of Waterloo, and" in the fourth and fifth lines and inserting in lieu thereof the words "notice thereof" so that the said section shall now read as follows:

Annual  
meeting for  
election of  
directors.

**13.** A general meeting of the stockholders of the company shall be held at the company's head office, on such day, each and every year as a majority of the directors may appoint, giving notice thereof by addressing a circular notice of such meeting to each stockholder, at his or her last known place of residence, paying the postage thereon, and depositing the same in Her Majesty's Post Office, at least ten days before such meeting; Provided always, that each retiring director shall be eligible for re-election.

1874,  
c. 87, s. 29,  
amended.

**8.** Section 29 of the said Act of incorporation is amended by striking out the words "business of Fire Insurance" where they occur at the end of the said section and substituting therefor the words "classes of business of insurance being carried on by the company" so that the said section shall now read as follows:

Application  
of general  
Acts.

**29.** The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the classes of business of insurance being carried on by the company.

Commence-  
ment of Act.

**9.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting The Mercantile Fire  
Insurance Company.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

---

*(Private Bill)*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting The Mercantile Fire Insurance Company.

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MR. STRACHAN

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(PRIVATE BILL)

# BILL

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Preamble.

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1874,  
c. 87, s. 7,  
re-enacted.

**3.** Section 7 of the said Act of incorporation as amended by section 1 of chapter 101 of the Statutes of Ontario, 1892, is repealed and the following substituted therefor:

Company  
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power to  
insure.

**7.** The company hereby constituted, shall have capacity, power and authority to carry on the business of insurance in all or any of its branches or classes except the classes of insurance known as life insurance and marine insurance and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all necessary matters





and things connected with and proper to promote or carry out those objects.

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8. The said company shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely, any lands or tenements, for their actual use and occupation, in the course of their business, and may sell, let, convey, transfer, and dispose of, as to them shall seem expedient; and the said company may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts, or judgments which shall have been obtained for such debts and it shall be lawful for the said company to purchase and hold for the purpose of investing therein, any part of their funds or moneys; any of the securities authorized by The Companies Act; and also to sell and transfer the same, and again to renew such investments when, and so often as a due regard to the interests of said company may require; and also to make loans of the funds of the company on mortgage, at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require; Provided always that all real estate so mortgaged or conveyed in security, as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the company.

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Acts.

29. The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the classes of insurance carried on by the company.



Change of  
name.

9. The name of the said company is changed to "Mercantile Insurance Company" by which name it shall hereafter be called, and section 1 of the said Act of incorporation is amended by striking out the words "The Mercantile Fire Insurance Company" in the fourth and fifth lines and inserting in lieu thereof the words "Mercantile Insurance Company."



Commence-  
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act respecting The Mercantile Fire  
Insurance Company.

---

*1st Reading*

March 10th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

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(Reprinted as amended by the Committee on  
Private Bills).

No. 23

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting The Mercantile Fire Insurance Company.

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MR. STRACHAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



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and things connected with and proper to promote or carry out those objects.

4. Section 8 of the said Act of incorporation as amended <sup>1874,</sup> by section 3 of the said chapter 101 of the Statutes of Ontario, <sup>c. 87, s. 8,</sup> 1892, is repealed and the following substituted therefor: <sup>re-enacted.</sup>

8. The said company shall be in law capable of acquiring <sup>Power to</sup> by purchase, lease or otherwise, and of holding <sup>hold real</sup> absolutely, any lands or tenements, for their actual <sup>estate.</sup> use and occupation, in the course of their business, and may sell, let, convey, transfer, and dispose of, as to them shall seem expedient; and the said company may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts, or judgments which shall have been obtained for such debts, and it shall be lawful for the said company to purchase and hold for the purpose of investing therein, any part of their funds or moneys; any of the securities authorized by *The Companies Act*; and also to sell and transfer the same, and again to renew such investments when, and so often as a due regard to the interests of said company may require; and also to make loans of the funds of the company on mortgage, at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require; Provided always that all real estate so mortgaged or conveyed in security, as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the company.

5. Section 9 of the said Act of incorporation is amended <sup>1874,</sup> by striking out the words "Village of Waterloo in the County <sup>c. 87, s. 9,</sup> of Waterloo" in the second line and inserting in lieu thereof <sup>amended.</sup> the words "city of Toronto in the county of York" so that the said section shall now read as follows:

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6. Section 11 of the said Act of incorporation is amended <sup>1874,</sup> by striking out the words "Provided always, that no clerk <sup>c. 87, s. 11,</sup> or other employee of the said company shall vote at the <sup>amended.</sup> election of directors" where they occur at the end of the said section.

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Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.











An Act respecting The Mercantile Fire  
Insurance Company.

---

*1st Reading*

March 10th, 1936.

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

---

MR. STRACHAN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act respecting the Roman Catholic Separate Schools of Ward 6 of  
the Town of Eastview.

---

MR. DES ROSIERS

---

(PRIVATE BILL)

# BILL

## An Act respecting the Roman Catholic Separate Schools of Ward 6 of the Town of Eastview.

Preamble.

**W**HEREAS Roman Catholic Separate School ratepayers of Ward No. 6 of the town of Eastview have by their petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Town of Eastview, Ward No. 6, Separate Schools Act, 1936*.

Board of trustees for separate schools of ward 6.

**2.**—(1) There is hereby established for Ward No. 6 of the town of Eastview a separate school board under the name of "The Board of Trustees of the Roman Catholic Separate Schools for Ward No. 6 of the Town of Eastview", hereinafter called "the board," and for all the purposes of *The Separate Schools Act* and any other general Act the board shall have jurisdiction and exercise the powers and perform the duties of a separate school board in respect to Roman Catholic separate schools in and for the said ward, and the Board of Trustees of the Roman Catholic Separate Schools for the Town of Eastview shall not have jurisdiction or exercise any powers or perform any duties in respect thereto.

Rev. Stat., c. 328.

Composition of board and manner of election.

(2) The board shall be composed of three trustees to be elected by the supporters of separate schools in the said ward, and the provisions of *The Separate Schools Act* in respect to election, term of office, vacancies and the filling thereof, qualifications and disqualifications of the members of a rural board for separate schools shall, *mutatis mutandis*, apply.

Rev. Stat., c. 328.

First election.

(3) The first election of members of the board shall be held on or before the 1st day of June, 1936, and members elected at such first election shall hold office as provided in subsection 1 of section 23 of *The Separate Schools Act*, except

Rev. Stat., c. 328.



that the next annual election of members of the board shall not be held until the last Wednesday in December, 1937.

Collection  
of separate  
school  
rates.

3. The council of the corporation of the town of Eastview shall through their collectors and other municipal officers cause to be levied and collected in every year upon the taxable property in the said ward liable to pay the same, all sums of money for rates or taxes imposed thereon in respect of separate schools, and the provisions of section 69 of the said Act shall apply thereto.

Ottawa  
Separate  
School  
Board  
to cease  
exercising  
jurisdiction.

4. From and after the time when the first election of members of the board is held as provided in this Act, and the said board is organized, all jurisdiction, powers, authorities and duties theretofore exercised and performed by the Board of Trustees of the Roman Catholic Separate Schools of Ottawa with respect to separate schools in the said ward shall cease, and the same shall thereupon be vested in the board, and all properties, undertakings and assets belonging to the separate schools in the said ward shall be and become vested in the board, subject to any liabilities attaching to the same, and the board shall provide for the discharge of such liabilities according to the respective natures and tenors thereof.

Application  
of separate  
school rates.

5. All rates and taxes imposed and levied upon the taxable property in the said ward liable to pay the same for the purposes of the separate schools thereof prior to the time when the board is organized shall, upon the same being collected, be paid over by the treasurer of the town of Eastview to the board without any deduction whatever.

Subsisting  
contracts.

6. All contracts and engagements entered into by the Board of Trustees of the Roman Catholic Separate Schools of Ottawa with respect to the separate schools in the said ward shall according to the respective natures and tenors thereof enure to the benefit of and be binding upon the board and its successors.

Ward 6 not  
to be liable  
for the debts  
of other  
separate  
schools in  
Eastview.

7. The board and the separate schools in the said ward and the taxable property in the said ward of the supporters of the separate schools shall not in any way be responsible for any debt, obligation or liability already, or which may hereafter be incurred, by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Eastview.

1929, c. 129,  
repealed.

8. The Act entitled *An Act to provide for the Administration of the Roman Catholic Separate Schools in Ward 6 of the Town of Eastview*, being chapter 129 of the Statutes of Ontario, 1929, is repealed.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act respecting the Roman Catholic  
Separate Schools of Ward 6 of  
the Town of Eastview.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. DES ROSIERS

---

*(Private Bill)*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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Rev. Stat., c. 328.

Composition of board and manner of election.

Rev. Stat., c. 328.

(2) The board shall be composed of three trustees to be elected by the supporters of separate schools in the said ward, and the provisions of *The Separate Schools Act* in respect to election, term of office, vacancies and the filling thereof, qualifications and disqualifications of the members of a rural board for separate schools shall, *mutatis mutandis*, apply.

First election.

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(3) The first election of members of the board shall be held on or before the 1st day of June, 1936, and members elected at such first election shall hold office as provided in subsection 1 of section 23 of *The Separate Schools Act*, except

that the next annual election of members of the board shall not be held until the last Wednesday in December, 1937.

3. The council of the corporation of the town of Eastview shall through their collectors and other municipal officers cause to be levied and collected in every year upon the taxable property in the said ward liable to pay the same, all sums of money for rates or taxes imposed thereon in respect of separate schools, and the provisions of section 69 of the said Act shall apply thereto. Collection of separate school rates.

4. From and after the time when the first election of members of the board is held as provided in this Act, and the said board is organized, all jurisdiction, powers, authorities and duties theretofore exercised and performed by the Board of Trustees of the Roman Catholic Separate Schools of Ottawa with respect to separate schools in the said ward shall cease, and the same shall thereupon be vested in the board, and all properties, undertakings and assets belonging to the separate schools in the said ward shall be and become vested in the board, subject to any liabilities attaching to the same, and the board shall provide for the discharge of such liabilities according to the respective natures and tenors thereof. Ottawa Separate School Board to cease exercising jurisdiction.

5. All rates and taxes imposed and levied upon the taxable property in the said ward liable to pay the same for the purposes of the separate schools thereof prior to the time when the board is organized shall, upon the same being collected, be paid over by the treasurer of the town of Eastview to the board without any deduction whatever. Application of separate school rates.

6. All contracts and engagements entered into by the Board of Trustees of the Roman Catholic Separate Schools of Ottawa with respect to the separate schools in the said ward shall according to the respective natures and tenors thereof enure to the benefit of and be binding upon the board and its successors. Subsisting contracts.

7. The board and the separate schools in the said ward and the taxable property in the said ward of the supporters of the separate schools shall not in any way be responsible for any debt, obligation or liability already, or which may hereafter be incurred, by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Eastview. Ward 6 not to be liable for the debts of other separate schools in Eastview.

8. The Act entitled *An Act to provide for the Administration of the Roman Catholic Separate Schools in Ward 6 of the Town of Eastview*, being chapter 129 of the Statutes of Ontario, 1929, is repealed. 1929, c. 129, repealed.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



An Act respecting the Roman Catholic  
 Separate Schools of Ward 6 of  
 the Town of Eastview.

---

*1st Reading*

March 13th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. DES ROSIERS

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act to authorize conveyances to The Incorporated Synod  
of the Diocese of Toronto

---

MR. HUNTER

---

(PRIVATE BILL)

No. 26

1936

# BILL

## An Act to authorize conveyances to The Incorporated Synod of the Diocese of Toronto.

Preamble.

**W**HEREAS The Incorporated Synod of the Diocese of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Incorporated Synod of the Diocese of Toronto Act, 1936*.

Transfer of  
trust  
property to  
the Synod.

**2.** All property of what nature or kind soever now held or which may hereafter be acquired, by any person or body corporate for any church purpose in connection with The Church of England in Canada, within the limits of the Diocese of Toronto, may, by such person or body corporate, be conveyed to The Incorporated Synod of the Diocese of Toronto, and thenceforth the said Synod shall perform the trusts relating thereto, and the person or body corporate so conveying such property shall be discharged from such trusts.

Transfer of  
trust funds,  
etc., to the  
Synod.

**3.** All persons and bodies corporate who hold funds, securities, property or assets as trustees for or on behalf of The Church of England in Canada in the Diocese of Toronto or for any parish, church or mission in the said diocese or for any charitable or religious organization or institution therein, or for any cemetery, churchyard or burying ground owned or controlled by such parish, church or mission, shall be at liberty, and shall have the right and power, any Act or thing to the contrary notwithstanding, to transfer or assign such trust funds, securities and assets to the said Synod, subject to any and all trusts relating thereto, for all purposes of management, sale, investment and reinvestment of the said trust funds, securities and assets by the said Synod, upon such terms, costs and charges as may be agreed



upon; and the said Synod may for such purposes receive and hold such funds, securities and assets for such persons or bodies corporate so transferring or assigning the same, either in the capacity of agent or of trustee according to the terms of such agreement, and may exercise all necessary powers in respect thereof, and may if so agreed, include the same in the Consolidated Trust Fund of the said Synod being a fund established under the Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, Chapter 101 and entitled *An Act to enable the Incorporated Synod of the Diocese of Toronto to consolidate and manage its Trust Funds*.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act to authorize conveyances to The  
Incorporated Synod of the Diocese  
of Toronto.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

An Act to authorize conveyances to The Incorporated Synod  
of the Diocese of Toronto

---

MR. HUNTER

---

# BILL

## An Act to authorize conveyances to The Incorporated Synod of the Diocese of Toronto.

Preamble.

**W**HEREAS The Incorporated Synod of the Diocese of Toronto has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Incorporated Synod of the Diocese of Toronto Act, 1936*.

Transfer of  
trust  
property to  
the Synod.

**2.** All property of what nature or kind soever now held or which may hereafter be acquired, by any person or body corporate for any church purpose in connection with The Church of England in Canada, within the limits of the Diocese of Toronto, may, by such person or body corporate, be conveyed to The Incorporated Synod of the Diocese of Toronto, and thenceforth the said Synod shall perform the trusts relating thereto, and the person or body corporate so conveying such property shall be discharged from such trusts.

Transfer of  
trust funds,  
etc., to the  
Synod.

**3.** All persons and bodies corporate who hold funds, securities, property or assets as trustees for or on behalf of The Church of England in Canada in the Diocese of Toronto or for any parish, church or mission in the said diocese or for any charitable or religious organization or institution therein, or for any cemetery, churchyard or burying ground owned or controlled by such parish, church or mission, shall be at liberty, and shall have the right and power, any Act or thing to the contrary notwithstanding, to transfer or assign such trust funds, securities and assets to the said Synod, subject to any and all trusts relating thereto, for all purposes of management, sale, investment and reinvestment of the said trust funds, securities and assets by the said Synod, upon such terms, costs and charges as may be agreed

upon; and the said Synod may for such purposes receive and hold such funds, securities and assets for such persons or bodies corporate so transferring or assigning the same, either in the capacity of agent or of trustee according to the terms of such agreement, and may exercise all necessary powers in respect thereof, and may if so agreed, include the same in the Consolidated Trust Fund of the said Synod being a fund established under the Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, Chapter 101 and 1891, c. 1101. entitled *An Act to enable the Incorporated Synod of the Diocese of Toronto to consolidate and manage its Trust Funds.*

4. This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent. <sub>ment of Act.</sub>



An Act to authorize conveyances to The  
Incorporated Synod of the Diocese  
of Toronto.

---

*1st Reading*

March 2nd, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. HUNTER

---

No. 27

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the Township of Scarborough.

---

MR. HENRY

---

(PRIVATE BILL)

No. 27

1936

# BILL

An Act respecting the Township of Scarborough.

Preamble.

**W**HEREAS the corporation of the township of Scarborough has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Township of Scarborough Act, 1936*.

1933, c. 98,  
ss. 2, 3, 4, 5,  
6 and 7, and  
Schedule  
"A",  
repealed.

**2.** Sections 2, 3, 4, 5, 6 and 7, and Schedule "A" to *The Township of Scarborough Act, 1933*, are repealed.

Commence-  
ment of Act.

Rev. Stat.,  
c. 233.

**3.** This Act shall come into force on the 1st day of January, 1937, but shall take effect at such date in 1936 as may be necessary for the purposes of the annual municipal election for the year 1937 in accordance with the provisions of *The Municipal Act*.



An Act respecting the Township of  
Scarborough.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. HENRY

---

(*Private Bill*)

No. 28

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the City of Ottawa.

---

MR. ELLIS

---

(PRIVATE BILL)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act respecting the City of Ottawa.

Preamble.

**W**HEREAS the corporation of the city of Ottawa has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The City of Ottawa Act, 1936*.

Authority to issue debentures for sewers.

**2.** The corporation of the city of Ottawa may provide by by-law for an issue of debentures payable within twenty years from their date, and not exceeding \$350,000, for the construction of trunk sewers.

Authority to issue debentures for specified purposes.

**3.** The said corporation may provide by by-law for an issue or issues of debentures payable within fifteen years from their date, and not exceeding the following amounts, for the following purposes:

Pavement of track allowances.

(a) \$225,000 for the repavement of the track allowance of the Ottawa Electric Railway Company on certain streets;

Fire alarm system.

(b) \$150,000 for acquiring and installing a new fire alarm system and for the erection of a building to house the same;

Sanatorium lands.

(c) \$25,000 for acquiring certain lands for the purposes of the Royal Ottawa Sanatorium.

Authority to issue debentures for street corner improvement.

**4.** The said corporation may provide by by-law for an issue of debentures to an amount not exceeding \$36,000 and payable within ten years from their date for rounding street corners.

Assent of electors to debenture issues not requisite.

**5.—(1)** It shall not be necessary for the said corporation to obtain the assent of the electors qualified to vote on money



Rev. Stat.,  
c. 233.

by-laws, to the passing of any of the money by-laws authorized by sections 2, 3 or 4, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Debenture  
interest  
rates and  
terms of  
payment.

(2) Debentures issued under the provisions of any such by-law shall bear interest at such rate or rates as the council of the said corporation shall in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act*.

Irregularities  
not to  
invalidate.

(3) No irregularity in the form of any of the debentures authorized under the authority of this Act or in any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount thereof or of any part thereof or the interest thereon.

Tax sales  
and  
conveyances  
confirmed.

**6.**—(1) All sales of land made, or purporting to have been made, during the year 1934, by the corporation of the city of Ottawa, or by its treasurer, for arrears of taxes in respect to the land so sold, are hereby validated and confirmed, and all conveyances of land so sold, executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands to the purchaser thereof, his heirs and assigns, or to the said corporation, shall have the effect of vesting such land in the purchaser, or his heirs and assigns and his heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of, and free from, all right, title and interest whatsoever of the owners thereof at the time of the said sale, and of and from all charges and encumbrances thereon and dower therein, except taxes accruing after those for the non-payment of which such land was sold; provided that in the case of land registered under *The Land Titles Act*, the transfer of such land shall be completed by the proper master of titles entering on the register the transferee as owner of the land transferred and, until such entry is made, the land shall not vest in the transferee, and provided that the master of titles shall not be required to give the notice prescribed by section 66 of *The Land Titles Act* before making such entry.

Proviso.

Rev. Stat.,  
c. 158.

Pending  
litigation  
not affected.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon, in the same manner and as fully and effectually as if this Act had not been passed.

1923, c. 76,  
s. 4, subs. 1,  
amended.

**7.**—(1) Subsection 1 of section 4 of *The City of Ottawa Act, 1923*, is amended by striking out the words "a part of" in



the fourth line and by striking out the words "acquiring a new site for a fire hall and of" in the fifth line.

1923, c. 76,  
s. 4, subs. 2,  
repealed.

(2) Subsection 2 of the said section 4 is repealed.

Contract for  
auditing of  
corporation  
accounts.

8. Notwithstanding anything to the contrary contained in *The Municipal Act*, the council of the said corporation may, from time to time, enter into a contract with an accountant or firm of accountants for auditing the books, accounts and vouchers of the corporation for a period not exceeding five years, in the manner specified in section 242 of *The Municipal Act*.

Fees for  
weighing  
coal and  
coke.

9. Notwithstanding anything to the contrary contained in *The Municipal Act*, the council of the said corporation may provide by by-law for imposing, levying and collecting and may impose, levy and collect a fee not exceeding ten cents per ton for the use of its weighing machines for the weighing of coal or coke.

Commence-  
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.





An Act respecting the City of Ottawa.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. ELLIS

---

(*Private Bill*)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act respecting the City of Ottawa.

---

MR. ELLIS

---

(PRIVATE BILL)

No. 28

1936

# BILL

## An Act respecting the City of Ottawa.

### Preamble.

**W**HEREAS the corporation of the city of Ottawa has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

1. This Act may be cited as *The City of Ottawa Act, 1936*.

### Authority to issue debentures for sewers.

2. The corporation of the city of Ottawa may provide by by-law for an issue of debentures payable within twenty years from their date, and not exceeding \$350,000, for the construction of trunk sewers.

### Authority to issue debentures for specified purposes.

3. The said corporation may provide by by-law for an issue or issues of debentures payable within fifteen years from their date, and not exceeding the following amounts, for the following purposes:

### Pavement of track allowances.

(a) \$225,000 for the repavement of the track allowance of the Ottawa Electric Railway Company on certain streets;

### Fire alarm system.

(b) \$150,000 for acquiring and installing a new fire alarm system and for the erection of a building to house the same;

### Sanatorium lands.

(c) \$25,000 for acquiring certain lands for the purposes of the Royal Ottawa Sanatorium.


### Authority to issue debentures for street corner improvement.

4. The said corporation may provide by by-law for an issue of debentures to an amount not exceeding \$36,000 and payable within ten years from their date for rounding street corners.

### Assent of electors and approval of Municipal Board requisite.

5.—(1) No by-law for any of the purposes mentioned in section 2 or 4 or in clause *a* or *b* of section 3 shall be finally



passed unless the same has first received the assent of the electors of the said city qualified to vote on money by-laws and until the same has first been approved by the Ontario Municipal Board. 

Assent of electors to debenture issues not requisite.

Rev. Stat., c. 233.

(2) It shall not be necessary for the said corporation to obtain the assent of the electors qualified to vote on money by-laws, to the passing of any money by-law authorized by clause c of section 3 or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Debenture interest rates and terms of payment.

(3) Debentures issued under the provisions of any such by-law shall bear interest at such rate or rates as the council of the said corporation shall in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act*.

Irregularities not to invalidate.

(4) No irregularity in the form of any of the debentures authorized under the authority of this Act or in any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount thereof or of any part thereof or the interest thereon.

Tax sales and conveyances confirmed.

**6.—(1)** All sales of land made, or purporting to have been made, during the year 1934, by the corporation of the city of Ottawa, or by its treasurer, for arrears of taxes in respect to the land so sold, are hereby validated and confirmed, and all conveyances of land so sold, executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands to the purchaser thereof, his heirs and assigns, or to the said corporation, shall have the effect of vesting such land in the purchaser, or his heirs and assigns and his heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of, and free from, all right, title and interest whatsoever of the owners thereof at the time of the said sale, and of and from all charges and encumbrances thereon and dower therein, except taxes accruing after those for the non-payment of which such land was sold; provided that in the case of land registered under *The Land Titles Act*, the transfer of such land shall be completed by the proper master of titles entering on the register the transferee as owner of the land transferred and, until such entry is made, the land shall not vest in the transferee, and provided that the master of titles shall not be required to give the notice prescribed by section 66 of *The Land Titles Act* before making such entry.

Proviso.

Rev. Stat., c. 158.

Pending litigation not affected.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation





or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon, in the same manner and as fully and effectually as if this Act had not been passed.

Commence-  
ment of Act.

7. This Act, other than section 6, shall come into force on the day upon which it receives the Royal Assent. Section 6 shall come into force on the 1st day of July, 1936.



An Act respecting the City of Ottawa.

---

*1st Reading*

March 17th, 1936

*2nd Reading*

*3rd Reading*

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MR. ELLIS

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(Reprinted as amended by the Committee on  
*Private Bills*).

No 28

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the City of Ottawa.

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MR. ELLIS

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the City of Ottawa.

### Preamble.

**W**HEREAS the corporation of the city of Ottawa has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

1. This Act may be cited as *The City of Ottawa Act, 1936*.

### Authority to issue debentures for sewers.

2. The corporation of the city of Ottawa may provide by by-law for an issue of debentures payable within twenty years from their date, and not exceeding \$350,000, for the construction of trunk sewers.

### Authority to issue debentures for specified purposes.

3. The said corporation may provide by by-law for an issue or issues of debentures payable within fifteen years from their date, and not exceeding the following amounts, for the following purposes:

### Pavement of track allowances.

(a) \$225,000 for the repavement of the track allowance of the Ottawa Electric Railway Company on certain streets;

### Fire alarm system.

(b) \$150,000 for acquiring and installing a new fire alarm system and for the erection of a building to house the same;

### Sanatorium lands.

(c) \$25,000 for acquiring certain lands for the purposes of the Royal Ottawa Sanatorium.

### Authority to issue debentures for street corner improvement.

4. The said corporation may provide by by-law for an issue of debentures to an amount not exceeding \$36,000 and payable within ten years from their date for rounding street corners.

### Assent of electors and approval of Municipal Board requisite.

5.—(1) No by-law for any of the purposes mentioned in section 2 or 4 or in clause *a* or *b* of section 3 shall be finally



passed unless the same has first received the assent of the electors of the said city qualified to vote on money by-laws and until the same has first been approved by the Ontario Municipal Board.

(2) It shall not be necessary for the said corporation to obtain the assent of the electors qualified to vote on money by-laws, to the passing of any money by-law authorized by clause *c* of section 3 or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws. Assent of electors to debenture issues not requisite.  
Rev. Stat., c. 233.

(3) Debentures issued under the provisions of any such by-law shall bear interest at such rate or rates as the council of the said corporation shall in such by-law determine, and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act*. Debenture interest rates and terms of payment.

(4) No irregularity in the form of any of the debentures authorized under the authority of this Act or in any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount thereof or of any part thereof or the interest thereon. Irregularities not to invalidate.

6.—(1) All sales of land made, or purporting to have been made, during the year 1934, by the corporation of the city of Ottawa, or by its treasurer, for arrears of taxes in respect to the land so sold, are hereby validated and confirmed, and all conveyances of land so sold, executed by the mayor, treasurer and clerk of the said corporation purporting to convey the said lands to the purchaser thereof, his heirs and assigns, or to the said corporation, shall have the effect of vesting such land in the purchaser, or his heirs and assigns and his heirs and assigns, or in the said corporation and its successors and assigns, as the case may be, in fee simple and clear of, and free from, all right, title and interest whatsoever of the owners thereof at the time of the said sale, and of and from all charges and encumbrances thereon and dower therein, except taxes accruing after those for the non-payment of which such land was sold; provided that in the case of land registered under *The Land Titles Act*, the transfer of such land shall be completed by the proper master of titles entering on the register the transferee as owner of the land transferred and, until such entry is made, the land shall not vest in the transferee, and provided that the master of titles shall not be required to give the notice prescribed by section 66 of *The Land Titles Act* before making such entry. Tax sales and conveyances confirmed.  
Proviso.  
Rev. Stat., c. 158.

(2) Nothing in this section contained shall affect or prejudice the rights of any person under any action, litigation Pending litigation not affected.



or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon, in the same manner and as fully and effectually as if this Act had not been passed.

Commence-  
ment of Act. 7. This Act, other than section 6, shall come into force on the day upon which it receives the Royal Assent. Section 6 shall come into force on the 1st day of July, 1936.







*1st Reading*

March 17th, 1936

*2nd Reading*

March 30th, 1936

*3rd Reading*

April 3rd, 1936

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Mr. ELLIS

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Sisters of Charity at Ottawa.

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MR. BELANGER

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(PRIVATE BILL)



# BILL

An Act respecting the Sisters of Charity at Ottawa.

Preamble.

**W**HEREAS The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa, Canada, has by its petition represented that it was incorporated on the 28th day of June, 1935, under the provisions of chapter 71 of the Acts passed by the Parliament of the Dominion of Canada in the twenty-fifth and twenty-sixth years of the reign of His late Majesty King George the Fifth, and it is desirable that the corporation have power to acquire and hold land for actual use or occupation for the purposes of the said corporation, and has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Sisters of Charity (Ottawa) Act, 1936*.

Interpre-  
tation.

2. The petitioner shall in this Act be called "the corporation."

Power to  
acquire  
real  
property  
by  
purchase,  
etc.

3. The corporation shall have power from time to time, and at all times, to purchase, acquire, or otherwise take, receive, hold, possess, and enjoy any lands and tenements or interest therein in Ontario, and to alienate, sell, convey, lease, mortgage or otherwise dispose of the same, or any part thereof, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same



are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,  
c. 132.

Confirma-  
tion of  
titles.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation or The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act; and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Restriction  
as to  
expropria-  
tion.

5. The real property of the corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act respecting the Sisters of Charity  
at Ottawa.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BELANGER

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(*Private Bill*)

No. 29

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Sisters of Charity at Ottawa.

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MR. BELANGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Sisters of Charity at Ottawa.

### Preamble.

**W**HEREAS The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa, Canada, has by its petition represented that it was incorporated on the 28th day of June, 1935, under the provisions of chapter 71 of the Acts passed by the Parliament of the Dominion of Canada in the twenty-fifth and twenty-sixth years of the reign of His late Majesty King George the Fifth, and it is desirable that the corporation have power to acquire and hold land for actual use or occupation for the purposes of the said corporation, and has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Sisters of Charity (Ottawa) Act, 1936*.

### Interpretation.

**2.** The petitioner shall in this Act be called "the corporation."

### Power to acquire real property by purchase etc.

**3.** The corporation shall have power from time to time, and at all times, to purchase, acquire, or otherwise take, receive, hold, possess, and enjoy any lands and tenements or interest therein in Ontario, and to alienate, sell, convey, lease, mortgage or otherwise dispose of the same, or any part thereof, and purchase others in their stead; provided that the corporation shall not at any time acquire or hold, as purchaser, any lands or tenements, or interest therein otherwise than for actual use or occupation for the purposes of the corporation; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless, at the expiration of the said period of seven years after the date of the said acquisition, the same

are being actually used or occupied for the purposes of the corporation; and to the extent that any lands or tenements or interest therein acquired by gift, devise or bequest, are not, at the expiration of the said period of seven years after the date of the said acquisition, required for such actual use or occupation as aforesaid, the same shall be disposed of by the corporation as soon as conveniently may be after the expiration of the said period of seven years after the date of the said acquisition, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,  
c. 132.

4. All and every the estate and property, real and personal, heretofore granted to, or acquired, taken, received, held, possessed or enjoyed by the corporation or The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa, and all such estate and property now belonging to or hereafter acquired by the corporation, shall be and are hereby vested in the corporation, notwithstanding any forfeiture or divesting of title previous to the date of the coming into force of this Act; and the said estate and property shall and may be held, possessed and enjoyed by the corporation.

Confirma-  
tion of  
titles.

5. The real property of the corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Restriction  
as to  
expropria-  
tion.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

An Act respecting the Sisters of Charity  
at Ottawa.

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*1st Reading*

March 30th, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 9th, 1936

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MR. BELANGER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Town of Cobourg.

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MR. CARR

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(PRIVATE BILL)



# BILL

## An Act respecting the Town of Cobourg.

Preamble.

**W**HEREAS the corporation of the town of Cobourg has by its petition represented that by reason of special circumstances prevailing it is desirable that the said town shall be separated from the united counties of Northumberland and Durham for municipal purposes; and that by a vote of the electors of the said town entitled to vote on money by-laws, held on the 6th day of August, 1931, the said electors did by a large majority declare in favour of separation from the said united counties; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Cobourg Act, 1936*.

Separation  
of town  
from  
county.

2. The council of the corporation of the town of Cobourg may without obtaining the assent of the electors of the said town pass a by-law to withdraw and separate the said town for municipal purposes from the united counties of Northumberland and Durham, such separation to come into force and take effect as from and after the 31st day of December next following the passing of the said by-law.

Effect of  
separation.

3. After the separation shall come into effect the said town shall continue to form part of the said united counties for judicial purposes and all the provisions of *The Municipal Act*, *The Registry Act*, and of any other Act relating to separated towns shall apply to the said town of Cobourg after the said separation, except where inconsistent with the provisions of this Act.

Rev. Stat.,  
cc. 238, 155.

Town to  
pay share  
of county  
debts as  
adjusted by  
agreement  
or by the  
Municipal  
Board.

4. From and after the date the said separation comes into effect the said town shall pay its due share of the debenture debt of the said united counties as the same matures; and shall in each year thereafter pay its due share of the balance of the said debenture debt in force at the date separation



comes into effect. The share of such debenture debt which shall be from time to time payable by the said town shall be as agreed upon between the said united counties and the said town. In default of agreement the same and any other dispute arising out of the provisions of this Act or the interpretation thereof shall be determined by the Ontario Municipal Board, whose decision shall be final and without appeal.

Disposition  
as to  
county  
assets.

5. After the separation shall come into effect the county roads and bridges outside of the town shall be the sole and exclusive property of the said united counties and all roads and bridges within the said town shall be the exclusive property of the said town, but notwithstanding the separation of the said town from the said united counties it shall retain and continue to have the same right, title and interest in all other property of the said united counties in common with said united counties as the said town possessed before such separation.

Abolition of  
office of  
reeve and  
deputy  
reeve and  
cessation  
of liability  
to county.

6. After the separation shall come into effect the offices of reeve and deputy reeve of the said town shall cease and no by-law of the said united counties thereafter made shall have any force in the said town except as may be authorized by *The Municipal Act* or any other Act; and the said town shall not thereafter be liable to the said united counties for or be obliged to pay the said united counties any moneys for debts of the united counties or for any other purposes of the said united counties except such sums as may be or become payable by the said town as part of the said united counties for judicial purposes under the provisions of *The Municipal Act* or any other Act together with such sums as may be payable under the provisions of section 4.

Abrogation  
of by-law  
and  
agreement  
as to town  
forming  
part of the  
county.

7. The agreement dated the 12th day of December, 1895, made between the said united counties and the said town and by-law number 590 passed by the council of the said town on the 25th day of November, 1895, providing for the reuniting of the said town with the said united counties shall have no force and effect from and after the date separation comes into effect.

Right to  
reunite  
with county  
by  
agreement.

8. The council of the said town after the expiration of five years from the date separation comes into effect may pass a by-law to be assented to by the electors entitled to vote on money by-laws to reunite with the said united counties. The by-law shall have no effect unless ratified and confirmed by the council of the said united counties and unless the terms and conditions which the said town is to pay, perform or be subject to, have been previously agreed upon or settled in manner following, that is to say: before the by-law is confirmed by the council of the said united counties, the councils of the



said town and said united counties shall determine by agreement the amounts of the debts of the said town and united counties respectively which are to be paid or borne by the united counties after the reunion or what amounts are to be payable by a special rate to be imposed upon the ratepayers of the said town, over and above all other county rates and all other matters relating to property assets or advantages consequent upon the reunion and affecting the united counties or town respectively and such other terms or conditions as appear just, shall be settled by such agreement; and in default of agreement being made within three months after the passing of the by-law by the council of the said town the said matters shall be determined by the Ontario Municipal Board, whose decision shall be final and without appeal.

**9.** This Act shall come into force on the day upon which it receives the Royal Assent.





An Act respecting the Town of Cobourg.

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. CARR

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(*Private Bill*)

No. 31

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Town of Cobourg.

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MR. CARR

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(PRIVATE BILL)

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
TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act respecting the Town of Cobourg.

Preamble.



**W**HEREAS the corporation of the town of Cobourg has by its petition represented that differences have arisen among certain municipalities, including the said town of Cobourg, forming the United Counties of Northumberland and Durham, which induced the said town to seek separation from the said united counties; and whereas to avoid the said separation, an understanding has been reached in respect to the matters hereinafter set forth, and it is desirable that special legislation in such respect should be enacted as prayed for by the said petitioner; and whereas it is expedient to grant the prayer of the said petition; 

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.


**1.** This Act may be cited as *The Town of Cobourg Act, 1936*.



Equalized  
assessment  
of counties  
fixed.  
Rev. Stat.  
c. 238.

**2.** Notwithstanding any of the provisions of *The Assessment Act*, the equalized assessment of the said counties for the purpose of all county rates for the purposes of taxation in each of the years 1936 and 1937 shall remain fixed and equalized as set forth in Schedule "A" to this Act, and shall continue and remain in force for each of the years 1938, 1939 and 1940, provided that by by-law passed by a two-thirds vote of all members of the council of the said counties after the 1st day of January, 1937, the equalized assessment set forth in the said Schedule shall no longer remain in effect, in which case the assessment of the said united counties shall be equalized in accordance with the provisions of *The Assessment Act*.

Lease of  
county  
buildings  
extended.

**3.** The lease entered into between the corporations of the town of Cobourg and of the said united counties which expired on the 31st day of December, 1935, respecting premises occupied by the said counties in Victoria Hall, Cobourg, is hereby extended on the same terms and conditions until the 31st day of December, 1940. 



Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE A.

Municipality	Assessment Equalization	
	Amount	Per Cent.
Bowmanville.....	\$2,407,900.00	6.7858
Campbellford.....	1,314,300.00	3.7039
Cobourg.....	3,027,800.00	8.5328
Port Hope.....	2,446,200.00	6.8938
Brighton Village.....	711,400.00	2.0048
Colborne.....	483,800.00	1.3634
Hastings.....	324,000.00	.9131
Millbrook.....	286,900.00	.8075
Newcastle.....	318,300.00	.8970
Alnwick.....	527,900.00	1.4877
Brighton.....	1,255,100.00	3.5370
Cartwright.....	1,334,200.00	3.7600
Cavan.....	1,870,100.00	5.2702
Clarke.....	2,485,300.00	7.0039
Cramahe.....	1,238,600.00	3.4905
Darlington.....	2,751,700.00	7.7546
Haldimand.....	1,632,800.00	4.6015
Hamilton.....	2,510,800.00	7.0758
Hope.....	2,148,200.00	6.0540
Manvers.....	1,337,100.00	3.7681
Murray.....	1,379,500.00	3.8877
Percy.....	1,440,400.00	4.0593
Seymour.....	1,590,200.00	4.4815
South Monaghan.....	662,200.00	1.8661
	<hr/> \$35,484,700.00	<hr/> 100.











An Act respecting the Town of Cobourg.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. CARR

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*(Reprinted as amended by the Committee on  
Private Bills.)*

No. 31

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Town of Cobourg.

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MR. CARR

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# BILL

## An Act respecting the Town of Cobourg.

Preamble.

**W**HEREAS the corporation of the town of Cobourg has by its petition represented that differences have arisen among certain municipalities, including the said town of Cobourg, forming the United Counties of Northumberland and Durham, which induced the said town to seek separation from the said united counties; and whereas to avoid the said separation, an understanding has been reached in respect to the matters hereinafter set forth, and it is desirable that special legislation in such respect should be enacted as prayed for by the said petitioner; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Town of Cobourg Act, 1936*.

Equalized  
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of counties  
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Rev. Stat.  
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2. Notwithstanding any of the provisions of *The Assessment Act*, the equalized assessment of the said counties for the purpose of all county rates for the purposes of taxation in each of the years 1936 and 1937 shall remain fixed and equalized as set forth in Schedule "A" to this Act, and shall continue and remain in force for each of the years 1938, 1939 and 1940, provided that by by-law passed by a two-thirds vote of all members of the council of the said counties after the 1st day of January, 1937, the equalized assessment set forth in the said Schedule shall no longer remain in effect, in which case the assessment of the said united counties shall be equalized in accordance with the provisions of *The Assessment Act*.

Lease of  
county  
buildings  
extended.

3. The lease entered into between the corporations of the town of Cobourg and of the said united counties which expired on the 31st day of December, 1935, respecting premises occupied by the said counties in Victoria Hall, Cobourg, is hereby extended on the same terms and conditions until the 31st day of December, 1940.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.

### SCHEDULE A.

Municipality	Assessment Equalization	
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Bowmanville.....	\$2,407,900.00	6.7858
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	<hr/> \$35,484,700.00	<hr/> 100. <hr/>



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*1st Reading*

March 25th, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

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MR. CARR

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No. 32

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Embalmers and Funeral Directors Act, 1928.

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MR. FAULKNER

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# BILL

## An Act to amend The Embalmers and Funeral Directors Act, 1928.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1936*.

1928,  
c. 31, s. 3,  
re-enacted.

**2.** Section 3 of *The Embalmers and Funeral Directors Act, 1928*, as amended by section 2 of *The Embalmers and Funeral Directors Act, 1932*, is repealed and the following substituted therefor:

Board of  
Examiners.

**3.—(1)** The Board of Examiners shall consist of three qualified funeral directors who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure and who may be paid such fees or other remuneration as the Lieutenant-Governor in Council deems proper.

Officers.

**(2)** The Lieutenant-Governor in Council may appoint any member of the Board to act as chairman and any other member to act as vice-chairman and the third member of the Board shall be the secretary-treasurer.

Quorum.

**(3)** Two members of the Board shall constitute a quorum and the decision of the majority of the members of the Board shall be final and binding on the Board.

1928,  
c. 31, s. 4,  
subs. 1,  
amended.

**3.—(1)** Subsection 1 of section 4 of *The Embalmers and Funeral Directors Act, 1928*, is amended by striking out the word "three" in the last line and inserting in lieu thereof the word "two," so that the said subsection shall now read as follows:

Meetings.

**(1)** The Board shall hold meetings at least three times in every year at such time and place as may be

#### EXPLANATORY NOTES

Section 2. The purpose of the amendment is to provide that members of the Board shall hold office during pleasure and to provide for the appointment of a chairman, vice-chairman and secretary-treasurer and to provide that a decision of the Board shall be binding on the Board.

Section 3 (1). The amendment provides that two members of the Board may call a meeting.

deemed advisable by the majority of the members and may hold additional meetings at the call of the chairman or any two members.

1928,  
c. 31, s. 4,  
subs. 2,  
re-enacted.

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor:

Notice of  
meetings.

(2) Notice of every meeting, whether general or special, shall be sent by the secretary-treasurer by prepaid registered post to every member of the Board at his address as last entered upon the register, not less than seven days before the day of the holding of the meeting.

1928,  
c. 31, s. 4,  
amended.

(3) The said section 4 is further amended by adding thereto the following subsection:

Waiver of  
notice.

(3) Notwithstanding any of the provisions of this section, a meeting of the Board may be held at any time and place, provided all the members of the board are present and waive notice and consent to the holding of such meeting.

1928, c. 31,  
amended.

4. *The Embalmers and Funeral Directors Act, 1928*, is amended by adding thereto the following section:

Establish-  
ment of  
schools.

6a.—(1) The Board shall have power to authorize any person, partnership, association or educational institution to establish and conduct one or more schools or colleges for instruction in embalming and general preparation for and burial of the dead human body, and shall have power to pay out of the funds held by the Board such sums as it may deem proper to assist in the establishment and maintenance of any such school or college.

Course of  
instruction.

(2) Subject to the approval of the Board, any such school or college may conduct a course of instruction in embalming and general preparation for and burial of the dead human body for articulated students, provided the Board shall conduct the examination of students and shall have exclusive authority to grant a certificate of qualification as an embalmer to any such student who has passed such examination.

Examina-  
tion.

(3) Every articulated student registered after the 1st day of March, 1936, before writing the examination for such certificate of qualification, shall, in addition to the requirements of this Act and the regulations, produce evidence satisfactory to the Board that he has completed the full course of instruction in one of such schools or colleges.



Section 3 (2). The subsection provides for the procedure of giving notice of meetings.

Section 3 (3). The subsection provides that the members of the Board may waive notice.

Section 4. The section provides for the establishment of schools or colleges for instruction in embalming and for courses of instruction, and that the Board shall conduct the examination of students and grant a certificate of qualification as an embalmer.



Person  
qualified  
outside of  
Ontario.

- (4) The Board may exempt from the provisions of subsection 3 any person who has qualified as an embalmer in a place outside of Ontario, provided the qualifications required in such place are, in the opinion of the Board, equal to the qualifications required by this Act and the regulations.

Post-graduate  
course.

- (5) Subject to the approval of the Board, any such school or college may conduct a post-graduate course of instruction for embalmers.

1928,  
c. 31, s. 11,  
amended.

5.—(1) Section 11 of *The Embalmers and Funeral Directors Act, 1928*, is amended by inserting after the word "license" in the third line the words "issued under this Act"; by inserting after the word "every" in the third line the word "person"; by inserting after the word "such" in the sixth line the word "person"; by inserting after the word "licensed" in the seventh line the words "under this Act" and by inserting after the first word "the" in the eighth line the word "premises", so that the said section shall now read as follows:

License  
compulsory.

11. Except as otherwise provided in this Act, every person carrying on business in Ontario as a funeral director shall have a license issued under this Act as an embalmer and funeral director and every person, partnership, firm or corporation carrying on such business shall have as manager of each establishment or branch operated by such person, partnership, firm or corporation a person licensed under this Act as an embalmer and funeral director, and in all cases the premises, furnishings and equipment shall be subject to the approval of the Board.

1928,  
c. 31, s. 11,  
amended.

- (2) The said section 11 is further amended by adding thereto the following subsection:

"Establish-  
ment" and  
"branch"  
defined.

- (2) For the purposes of this section "establishment" and "branch" shall include any premises or location operated for the promotion of any of the purposes for which a license as a funeral director is granted under this Act, but shall not include a storeroom in which caskets or other furnishings are stored in their original containers and not displayed for purposes of sale.

1928,  
c. 31, s. 13,  
amended.

6. Section 13 of *The Embalmers and Funeral Directors Act, 1928*, is amended by adding thereto the following subsection:

Moneys and  
securities.

- (2) All moneys and securities received or held by the Board shall be held in the name of "Board of Examiners under *The Embalmers and Funeral Directors*

Section 5 (1). The purpose of the amendment is to provide that every person carrying on business as a funeral director shall have a license under this Act and that every establishment or branch shall have as manager a person licensed under this Act. The amendment also provides that the premises shall be subject to the approval of the Board.

Section 5 (2). Defines "establishment" and "branch."

Section 6. The section provides for the procedure governing moneys and securities.

*Act, 1928,"* and moneys may be deposited in a branch of a chartered bank or a Province of Ontario Savings office and shall be withdrawn by the secretary-treasurer on the order of the Board, and securities shall be purchased and sold by the secretary-treasurer on the order of the Board.

1928,  
c. 31, s. 16,  
amended.

7. Section 16 of *The Embalmers and Funeral Directors Act, 1928*, is amended by inserting after the word "interment" in the fourth line the words "by an embalmer," so that the said section shall now read as follows:

Preparation  
of bodies  
for trans-  
portation  
out of  
Province.

16. The body of every deceased person who has died in Ontario and is destined for interment outside the Province shall, before being removed from Ontario, be prepared for interment by an embalmer in accordance with the rules and regulations of the Department of Health and in accordance with the provisions of this Act and the regulations made thereunder.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 7. The effect of the amendment is that the body of every deceased person destined for interment outside the Province shall be prepared by an embalmer.







# BILL

## An Act to amend The Embalmers and Funeral Directors Act, 1928.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1936*.

1928,  
c. 31, s. 3,  
re-enacted.

**2.** Section 3 of *The Embalmers and Funeral Directors Act, 1928*, as amended by section 2 of *The Embalmers and Funeral Directors Act, 1932*, is repealed and the following substituted therefor:

Board of  
Examiners.

**3.—(1)** The Board of Examiners shall consist of three qualified funeral directors who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure and who may be paid such fees or other remuneration as the Lieutenant-Governor in Council deems proper.

Officers.

**(2)** The Lieutenant-Governor in Council may appoint any member of the Board to act as chairman and any other member to act as vice-chairman and the third member of the Board shall be the secretary-treasurer.

Quorum.

**(3)** Two members of the Board shall constitute a quorum and the decision of the majority of the members of the Board shall be final and binding on the Board.

1928,  
c. 31, s. 4,  
subs. 1,  
amended.

**3.—(1)** Subsection 1 of section 4 of *The Embalmers and Funeral Directors Act, 1928*, is amended by striking out the word "three" in the last line and inserting in lieu thereof the word "two," so that the said subsection shall now read as follows:

Meetings.

**(1)** The Board shall hold meetings at least three times in every year at such time and place as may be

deemed advisable by the majority of the members and may hold additional meetings at the call of the chairman or any two members.

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor: 1928, c. 31, s. 4, subs. 2, re-enacted.

(2) Notice of every meeting, whether general or special, shall be sent by the secretary-treasurer by prepaid registered post to every member of the Board at his address as last entered upon the register, not less than seven days before the day of the holding of the meeting. Notice of meetings.

(3) The said section 4 is further amended by adding thereto the following subsection: 1928, c. 31, s. 4, amended.

(3) Notwithstanding any of the provisions of this section, a meeting of the Board may be held at any time and place, provided all the members of the board are present and waive notice and consent to the holding of such meeting. Waiver of notice.

4. *The Embalmers and Funeral Directors Act, 1928*, is 1928, c. 31, amended. amended by adding thereto the following section:

6a.—(1) The Board shall have power to authorize any person, partnership, association or educational institution to establish and conduct one or more schools or colleges for instruction in embalming and general preparation for and burial of the dead human body, and shall have power to pay out of the funds held by the Board such sums as it may deem proper to assist in the establishment and maintenance of any such school or college. Establishment of schools.

(2) Subject to the approval of the Board, any such school or college may conduct a course of instruction in embalming and general preparation for and burial of the dead human body for articulated students, provided the Board shall conduct the examination of students and shall have exclusive authority to grant a certificate of qualification as an embalmer to any such student who has passed such examination. Course of instruction.

(3) Every articulated student registered after the 1st day of March, 1936, before writing the examination for such certificate of qualification, shall, in addition to the requirements of this Act and the regulations, produce evidence satisfactory to the Board that he has completed the full course of instruction in one of such schools or colleges. Examination.

Person  
qualified  
outside of  
Ontario.

- (4) The Board may exempt from the provisions of subsection 3 any person who has qualified as an embalmer in a place outside of Ontario, provided the qualifications required in such place are, in the opinion of the Board, equal to the qualifications required by this Act and the regulations.

Post-  
graduate  
course.

- (5) Subject to the approval of the Board, any such school or college may conduct a post-graduate course of instruction for embalmers.

1928,  
c. 31, s. 11,  
amended.

5.—(1) Section 11 of *The Embalmers and Funeral Directors Act, 1928*, is amended by inserting after the word "license" in the third line the words "issued under this Act"; by inserting after the word "every" in the third line the word "person"; by inserting after the word "such" in the sixth line the word "person"; by inserting after the word "licensed" in the seventh line the words "under this Act" and by inserting after the first word "the" in the eighth line the word "premises", so that the said section shall now read as follows:

License  
compulsory.

11. Except as otherwise provided in this Act, every person carrying on business in Ontario as a funeral director shall have a license issued under this Act as an embalmer and funeral director and every person, partnership, firm or corporation carrying on such business shall have as manager of each establishment or branch operated by such person, partnership, firm or corporation a person licensed under this Act as an embalmer and funeral director, and in all cases the premises, furnishings and equipment shall be subject to the approval of the Board.

1928,  
c. 31, s. 11,  
amended.

- (2) The said section 11 is further amended by adding thereto the following subsection:

"Establish-  
ment" and  
"branch"  
defined.

- (2) For the purposes of this section "establishment" and "branch" shall include any premises or location operated for the promotion of any of the purposes for which a license as a funeral director is granted under this Act, but shall not include a storeroom in which caskets or other furnishings are stored in their original containers and not displayed for purposes of sale.

1928,  
c. 31, s. 13,  
amended.

6. Section 13 of *The Embalmers and Funeral Directors Act, 1928*, is amended by adding thereto the following subsection:

Moneys and  
securities.

- (2) All moneys and securities received or held by the Board shall be held in the name of "Board of Examiners under *The Embalmers and Funeral Directors*



*Act, 1928,"* and moneys may be deposited in a branch of a chartered bank or a Province of Ontario Savings office and shall be withdrawn by the secretary-treasurer on the order of the Board, and securities shall be purchased and sold by the secretary-treasurer on the order of the Board.

7. Section 16 of *The Embalmers and Funeral Directors Act, 1928*, is amended by inserting after the word "interment" in the fourth line the words "by an embalmer," so that the said section shall now read as follows:

16. The body of every deceased person who has died in Ontario and is destined for interment outside the Province shall, before being removed from Ontario, be prepared for interment by an embalmer in accordance with the rules and regulations of the Department of Health and in accordance with the provisions of this Act and the regulations made thereunder.

Preparation  
of bodies  
for trans-  
portation  
out of  
Province.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.







An Act to amend The Embalmers and  
Funeral Directors Act, 1928

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*1st Reading*

March 5th, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

March 16th, 1936

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MR. FAULKNER

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No. 33

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Mental Hospitals Act, 1935.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 33

1936

# BILL

An Act to amend The Mental Hospitals Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Mental Hospitals Amendment Act, 1936*.

1935,  
c. 39, s. 6,  
subs. 2,  
amended.      **2.** Subsection 2 of section 6 of *The Mental Hospitals Act, 1935*, is amended by adding thereto the following clause:

Oaths.                      (oo) providing for the oaths to be taken by any class or classes of officers or employees of the Department and prescribing the forms of such oaths and who may administer them.

1935,  
c. 39, s. 38,  
amended.      **3.** Section 38 of *The Mental Hospitals Act, 1935*, is amended by inserting after the word "release" in the fifth line the words "or until he is discharged" so that the said section shall now read as follows:

Application  
of the Act  
to pro-  
bationers.      **38.** Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release or until he is discharged, be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution.

Commence-  
ment of Act.      **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Section 2. The amendment provides that the Lieutenant-Governor in Council may provide by regulation that officers and employees of the Department of Health shall be required to take oaths.

Section 3. The amendment provides that a patient who has been released on probation may be discharged by the superintendent.

An Act to amend The Mental Hospitals  
Act, 1935.

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*1st Reading*

March 5th, 1936.

*2nd Reading*

*3rd Reading*

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MR. FAULKNER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The County Judges Act.

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MR. ROEBUCK

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No. 34

1936

# BILL

An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1936*.

Rev. Stat.,  
c. 90, s. 5  
(1931,  
c. 27, s. 2),  
amended.      **2.** Section 5 of *The County Judges Act* as re-enacted by section 2 of *The County Judges Act, 1931*, is amended by striking out the word "seven" in the first line and inserting in lieu thereof the word "eight", so that the said section shall now read as follows:

Junior  
Judges  
for county  
of York.      **5.** Junior judges not exceeding eight in number may be appointed for the county of York.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE.

The purpose of the amendment is to permit the appointment of an additional judge in the county of York.

An Act to amend The County Judges  
Act.

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*1st Reading*

March 6th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 34

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The County Judges Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 34

1936

# BILL

An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1936*.

Rev. Stat.,  
c. 90, s. 5  
(1931,  
c. 27, s. 2),  
amended.      **2.** Section 5 of *The County Judges Act* as re-enacted by section 2 of *The County Judges Act, 1931*, is amended by striking out the word "seven" in the first line and inserting in lieu thereof the word "eight", so that the said section shall now read as follows:

Junior  
Judges  
for county  
of York.      **5.** Junior judges not exceeding eight in number may be appointed for the county of York.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





An Act to amend The County Judges  
Act.

---

*1st Reading*

March 6th, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

March 16th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

**An Act to amend The Judicature Act.**

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MR. ROEBUCK

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# BILL

## An Act to amend The Judicature Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Judicature Amendment Act, 1936*.

Rev. Stat.,  
c. 88, s. 4  
(1931,  
c. 24, s. 3),  
re-enacted.      **2.** Section 4 of *The Judicature Act* as re-enacted by section 3 of *The Judicature Act, 1931*, is repealed and the following substituted therefor:

Court of  
Appeal,—  
how con-  
stituted.      4.—(1) The Court of Appeal for Ontario shall consist of a Chief Justice who shall be the President thereof and shall be called the Chief Justice of Ontario, a Chief Justice who shall be called the Chief Justice in Appeal and six other Judges to be called Justices of Appeal.

Chief  
Justice  
in Appeal.      (2) Wherever the words "Chief Justice of the Second Divisional Court" appear in any statute or rule of court they shall be deemed to mean Chief Justice in Appeal.

Vacancy  
in office.      (3) When a vacancy occurs in the office of the Chief Justice in Appeal, the office shall be abolished, but such abolition shall not reduce the number of Justices upon such Court.

Rev. Stat.,  
c. 88, s. 5,  
(1931,  
c. 24, s. 4),  
re-enacted.      **3.** Section 5 of *The Judicature Act* as re-enacted by section 4 of *The Judicature Act, 1931*, is repealed and the following substituted therefor:

High Court  
of Justice,—  
how con-  
stituted.      5.—(1) The High Court of Justice for Ontario shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and twelve other Judges.

#### EXPLANATORY NOTES

Section 2. The old section 4, enacted in 1931, provided for reduction in the Court of Appeal from ten members to eight members by providing that certain vacancies arising should not be filled in order to reduce the Court to eight members. This provision is no longer necessary as the Court has been reduced to eight members.

Section 3. The old section 5, enacted in 1931, provided for the appointment of certain additional Judges to the High Court as vacancies occurred in the Court of Appeal. The vacancies anticipated have occurred and the appointments have been duly made. The new section provides for the appointment of two further Judges to the High Court.

President.

(2) The Chief Justice of the High Court shall be president of the High Court of Justice.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Judicature Act.

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*1st Reading*

March 6th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Judicature Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Judicature Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Judicature Amendment Act, 1936*.

Rev. Stat.,  
c. 88, s. 4  
(1931,  
c. 24, s. 3),  
re-enacted.      **2.** Section 4 of *The Judicature Act* as re-enacted by section 3 of *The Judicature Act, 1931*, is repealed and the following substituted therefor:

Court of  
Appeal,—  
how con-  
stituted.

4.—(1) The Court of Appeal for Ontario shall consist of a Chief Justice who shall be the President thereof and shall be called the Chief Justice of Ontario, a Chief Justice who shall be called the Chief Justice in Appeal and six other Judges to be called Justices of Appeal.

Chief  
Justice  
in Appeal.

(2) Wherever the words "Chief Justice of the Second Divisional Court" appear in any statute or rule of court they shall be deemed to mean Chief Justice in Appeal.

Vacancy  
in office.

(3) When a vacancy occurs in the office of the Chief Justice in Appeal, the office shall be abolished, but such abolition shall not reduce the number of Justices upon such Court.

Rev. Stat.,  
c. 88, s. 5,  
(1931,  
c. 24, s. 4),  
re-enacted.

**3.** Section 5 of *The Judicature Act* as re-enacted by section 4 of *The Judicature Act, 1931*, is repealed and the following substituted therefor:

High Court  
of Justice,—  
how con-  
stituted.

5.—(1) The High Court of Justice for Ontario shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and twelve other Judges.

(2) The Chief Justice of the High Court shall be president ~~President.~~  
of the High Court of Justice.

4. This Act shall come into force on the day upon which ~~Commence-~~  
it receives the Royal Assent. ~~ment of Act.~~



*1st Reading*

March 6th, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

March 16th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Hospitals Act, 1931.

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MR. FAULKNER

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# BILL

## An Act to amend The Public Hospitals Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Public Hospitals Amendment Act, 1936*.

1931,  
c. 78, s. 18,  
subs. 1  
(1933,  
c. 51, s. 3),  
amended.

**2.** Subsection 1 of section 18 of *The Public Hospitals Act, 1931*, as re-enacted by section 3 of *The Public Hospitals Act, 1933*, and amended by subsection 1 of section 16 of *The Statute Law Amendment Act, 1934*, is further amended by striking out the figures and word "90 cents" in the eleventh line and inserting in lieu thereof the symbol and figures "\$1.25" so that the said subsection shall now read as follows:

Municipal  
liability for  
indigents.

- (1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day, except in the case of a hospital which, under the regulations, is classed as a convalescent hospital the payment of such charges shall be at a rate not exceeding \$1.25 per day, and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

1931,  
c. 78, s. 22,  
amended.

**3.—(1)** Section 22 of *The Public Hospitals Act, 1931*, is amended by striking out the words "or after admission" in the first line, so that subsection 1 of the said section shall now read as follows:

#### EXPLANATORY NOTES

Section 2. The effect of the amendment is to increase municipal liability for a patient in a convalescent hospital from 90 cents to \$1.25 per day.

Section 3 (1). The amendment provides that the superintendent of a hospital shall within a reasonable time notify the clerk of the municipality of the admission of an indigent patient.

Notice of  
admission  
to municipi-  
pality.

- (1) Upon admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

(2) The said section 22 is further amended by adding thereto the following subsection:

Indigency  
after  
admission.

- (2) Where any patient becomes an indigent after admission to a hospital the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent.

1931, c. 78,  
s. 25, cl. c,  
amended.

4. Clause *c* of section 25 of *The Public Hospitals Act, 1931*, is amended by inserting after the word "university" in the third line the words "training school for nurses established under *The Registration of Nurses Act*" so that the said clause shall now read as follows:

Pupils.

- (c) If such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Registration of Nurses Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or.

Rev. Stat.,  
c. 360.

1931,  
c. 78, s. 34,  
subs. 1,  
par. a,  
amended.

5. Paragraph *a* of subsection 1 of section 34 of *The Public Hospitals Act, 1931*, as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1934*, and subsection 2 of section 15 of *The Statute Law Amendment Act, 1935*, is further amended by striking out the figures "30" where they occur in the amendment of 1934 and inserting in lieu thereof the figures "40" so that the said paragraph shall now read as follows:

Initial  
indigent  
rate of aid.

- (a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph *b* mentioned, at the rate of 60 cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except in the case of a hospital which under the regulations is classed

Section 3 (2). The subsection provides that the superintendent of a hospital shall notify the clerk of the municipality when a patient becomes indigent after admission.

Section 4. The effect of the amendment is that when a nurse in training requires hospitalization the municipality in which the training school is located shall not be liable for her maintenance.

Section 5. The effect of the amendment is to increase the provincial aid for a patient in a convalescent hospital from 30 cents to 40 cents per day.



as a convalescent hospital, payment shall be at the rate of 40 cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential.

Commence-  
ment of Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Public Hospitals  
Act, 1931.

---

*1st Reading*

March 9th, 1936

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Hospitals Act, 1931.

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MR. FAULKNER

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# BILL

## An Act to amend The Public Hospitals Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Hospitals Amendment Act, 1936*.

1931, c. 78, s. 18, subs. 1 (1933, c. 51, s. 3), amended.      **2.** Subsection 1 of section 18 of *The Public Hospitals Act, 1931*, as re-enacted by section 3 of *The Public Hospitals Act, 1933*, and amended by subsection 1 of section 16 of *The Statute Law Amendment Act, 1934*, is further amended by striking out the figures and word "90 cents" where they occur in the amendment of 1934 and inserting in lieu thereof the symbol and figures "\$1.25" so that the said subsection shall now read as follows:

Municipal liability for indigents.

- (1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day, except in the case of a hospital which, under the regulations, is classed as a convalescent hospital the payment of such charges shall be at a rate not exceeding \$1.25 per day, and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

1931, c. 78, s. 22, amended.

**3.—(1)** Section 22 of *The Public Hospitals Act, 1931*, is amended by striking out the words "or after admission" in the first line, so that subsection 1 of the said section shall now read as follows:

- (1) Upon admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person. Notice of admission to municipality.

(2) The said section 22 is further amended by adding thereto the following subsection: 1931, c. 78, s. 22, amended.

- (2) Where any patient becomes an indigent after admission to a hospital the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent. Indigency after admission.

4. Clause *c* of section 25 of *The Public Hospitals Act, 1931*, is amended by inserting after the word "university" in the third line the words "training school for nurses established under *The Registration of Nurses Act*" so that the said clause shall now read as follows: 1931, c. 78, s. 25, cl. c, amended.

- (c) If such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Registration of Nurses Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or. Pupils. Rev. Stat., c. 360.

5. Paragraph *a* of subsection 1 of section 34 of *The Public Hospitals Act, 1931*, as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1934*, and subsection 2 of section 15 of *The Statute Law Amendment Act, 1935*, is further amended by striking out the figures "30" where they occur in the amendment of 1934 and inserting in lieu thereof the figures "40" so that the said paragraph shall now read as follows: 1931, c. 78, s. 34, subs. 1, par. a, amended.

- (a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph *b* mentioned, at the rate of 60 cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except in the case of a hospital which under the regulations is classed Initial indigent rate of aid.



as a convalescent hospital, payment shall be at the rate of 40 cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential.

Commence-  
ment of Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.







An Act to amend The Public Hospitals  
Act, 1931.

---

*1st Reading*

March 9th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. FAULKNER

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No. 37

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Sanatoria for Consumptives Act, 1931.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Sanatoria for Consumptives Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1936*.

1931,  
c. 76, s. 38,  
subs. 1,  
amended.

**2.** Subsection 1 of section 38 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 1 of section 18 of *The Statute Law Amendment Act, 1934*, is amended by striking out the figures and word "90 cents" where they occur in the amendment of 1934 and inserting in lieu thereof the symbol and figures "\$1.25" so that the said subsection shall now read as follows:

Municipal  
liability for  
indigent  
patients.

(1) Subject as in this Act may otherwise be provided when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day except in the case of a sanatorium which under the regulations is classed as a convalescent sanatorium the payment of such charges shall be at a rate not exceeding \$1.25 per day.

1931,  
c. 76, s. 41,  
amended.

**3.—(1)** Section 41 of *The Sanatoria for Consumptives Act, 1931*, is amended by striking out the words "or after admission" in the first line so that subsection 1 of the said section shall now read as follows:

Notice of  
admission  
to municipi-  
pality.

(1) Upon admission to a sanatorium of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent

#### EXPLANATORY NOTES

Section 2. The effect of the amendment is to increase municipal liability for a patient in a sanatorium for consumptives which under the regulations is classed as a convalescent sanatorium, from 90 cents to \$1.25 per day.

Section 3 (1). The amendment provides that the superintendent of a sanatorium shall within a reasonable time notify the clerk of the municipality of the admission of an indigent patient.

Section 3 (2). The subsection provides that the superintendent of a sanatorium shall notify the clerk of the municipality when a patient becomes indigent after admission.

person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

(2) The said section 41 is further amended by adding thereto the following subsection:

Indigency  
after  
admission.

- (2) Where any patient becomes an indigent after admission to a sanatorium the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent.

1931, c. 76,  
s. 44, cl. c,  
amended.

4. Clause *c* of section 44 of *The Sanatoria for Consumptives Act, 1931*, is amended by inserting after the word "university" in the third line the words "training school for nurses established under *The Registration of Nurses Act*" so that the said clause shall now read as follows:

Pupils.

- (c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Registration of Nurses Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or.

Rev. Stat.,  
c. 360.

1931,  
c. 76, s. 51,  
subs. 1, cl. a,  
amended.

5. Clause *a* of subsection 1 of section 51 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 2 of section 18 of *The Statute Law Amendment Act, 1934*, is further amended by striking out the figures "30" where they occur in the amendment of 1934 and inserting in lieu thereof the figures "40" so that the said clause shall now read as follows:

Indigent  
rate of  
aid.

- (a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of 75 cents per day for every day that such patient is receiving treatment in a sanatorium, except in the case of a sanatorium for consumptives which under the regulations is classed as a convalescent sanatorium, payment shall be at the rate of 40 cents per day.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 4. The effect of the amendment is that when a nurse in training requires treatment in a sanatorium the municipality in which the training school is located shall not be liable for her maintenance.

Section 5. The effect of the amendment is to increase the provincial aid for a patient in a convalescent sanatorium from 30 cents to 40 cents per day.







BILL

An Act to amend The Sanatoria for  
Consumptives Act, 1931.

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*1st Reading*

March 9th, 1936

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER

---

No. 37

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Sanatoria for Consumptives Act, 1931.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Sanatoria for Consumptives Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1936*.

1931,  
c. 76, s. 38,  
subs. 1,  
amended.

**2.** Subsection 1 of section 38 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 1 of section 18 of *The Statute Law Amendment Act, 1934*, is amended by striking out the figures and word "90 cents" where they occur in the amendment of 1934 and inserting in lieu thereof the symbol and figures "\$1.25" so that the said subsection shall now read as follows:

Municipal  
liability for  
indigent  
patients.

(1) Subject as in this Act may otherwise be provided when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day except in the case of a sanatorium which under the regulations is classed as a convalescent sanatorium the payment of such charges shall be at a rate not exceeding \$1.25 per day.

1931,  
c. 76, s. 41,  
amended.

**3.—(1)** Section 41 of *The Sanatoria for Consumptives Act, 1931*, is amended by striking out the words "or after admission" in the first line so that subsection 1 of the said section shall now read as follows:

Notice of  
admission  
to municip-  
ality.

(1) Upon admission to a sanatorium of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent

person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

(2) The said section 41 is further amended by adding thereto the following subsection: <sup>1931, c. 76, s. 41 amended.</sup>

(2) Where any patient becomes an indigent after admission to a sanatorium the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent. <sup>Indigency after admission.</sup>

4. Clause *c* of section 44 of *The Sanatoria for Consumptives Act, 1931*, is amended by inserting after the word "university" in the third line the words "training school for nurses established under *The Registration of Nurses Act*" so that the said clause shall now read as follows: <sup>1931, c. 76, s. 44, cl. 6, amended.</sup>

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Registration of Nurses Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or. <sup>Pupils. Rev. Stat., c. 360.</sup>

5. Clause *a* of subsection 1 of section 51 of *The Sanatoria for Consumptives Act, 1931*, as amended by subsection 2 of section 18 of *The Statute Law Amendment Act, 1934*, is further amended by striking out the figures "30" where they occur in the amendment of 1934 and inserting in lieu thereof the figures "40" so that the said clause shall now read as follows: <sup>1931, c. 76, s. 51, subs. 1, cl. 4a, amended.</sup>

(a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of 75 cents per day for every day that such patient is receiving treatment in a sanatorium, except in the case of a sanatorium for consumptives which under the regulations is classed as a convalescent sanatorium, payment shall be at the rate of 40 cents per day. <sup>Indigent rate of aid.</sup>

6. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>

An Act to amend The Sanatoria for  
Consumptives Act, 1931.

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*1st Reading*

March 9th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. FAULKNER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. ELLIS

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
s. 233,  
s. 109a,  
subs. 5,  
(1934,  
c. 34, s. 3),  
amended.

**1.** Subsection 5 of section 109a of *The Municipal Act* as enacted by section 3 of *The Municipal Amendment Act, 1934*, is amended by striking out the word "five" in the fifth line and inserting in lieu thereof the word "nine."

Rev. Stat.,  
c. 233, s. 221,  
subs. 16,  
amended.

**2.** Subsection 16 of section 221 of *The Municipal Act* is amended by striking out the word "March" in the fifth line and inserting in lieu thereof the word "February."

#### EXPLANATORY NOTES

Section 1. The object of this amendment is to provide that the advance poll for municipal elections be kept open until 9 p.m., instead of 5 p.m. as now provided.

Section 2. The object of this amendment is to require school boards and other local boards and commissions to submit their annual estimates to the Board of Control of a City by the beginning of February in each year instead of the beginning of March, so that the Board of Control may complete its estimates and strike the tax rate earlier than is now possible.

*1st Reading*

March 9th, 1936

*2nd Reading*

*3rd Reading*

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MR. ELLIS

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No. 39

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Local Improvement Act.

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MR. ELLIS

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Local Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 235, s. 8,  
subs. 1  
(1932,  
c. 30, s. 2),  
amended.      **1.** Subsection 1 of section 8 of *The Local Improvement Act*, as enacted by section 2 of *The Local Improvement Amendment Act, 1932*, is amended by inserting after the word "bridge" in the fifth line the words "or resurfacing of a pavement."

Rev. Stat.,  
c. 235, s. 26,  
amended.      **2.** Section 26 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Assumption  
of whole  
cost of  
replacement  
work by  
corporation.

(2a) The council, by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council and approved of by the Ontario Municipal Board, may provide that the corporation shall assume the whole cost of every work or of any one or more of the classes of works, set out in subsection 1, which replaces an existing work of the same class.

#### EXPLANATORY NOTES

Section 1. This amendment is to enable a council to undertake the work of pavement resurfacing by notice under Section 8 and on approval being given by the Ontario Municipal Board, which is necessary as to all works undertaken under Section 8.

Section 2. The object of the amendment is to permit councils to relieve frontage from any part of the cost of replacement works which are undertaken under the Act.



BILL

An Act to amend The Local Improvement  
Act.

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*1st Reading*

March 9th, 1936

*2nd Reading*

*3rd Reading*

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MR. ELLIS

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No. 40

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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TORONTO  
PRINTED BY T. E. BOWMAN  
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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 396,  
amended.

1. Section 396 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establishing  
funds for  
bands.

2a. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a band or bands of music and for making annual or other grants from such fund to any band or bands or to the members thereof.

Assent of  
electors  
requisite.

(a) No by-law shall be passed under the authority of this paragraph unless the assent of the electors qualified to vote on money by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent.

Submission  
of by-law on  
petition.

(b) Upon a petition for the establishment of a fund under the authority of this paragraph being presented to the council of a municipality signed by not less than ten per centum in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing annual municipal elections submit a by-law for the establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law.

#### EXPLANATORY NOTE

The object of this Bill is to provide a means whereby a municipal council may establish a fund out of which to make grants to bands of music over a period of years. The only provision in *The Municipal Act* for grants to bands is one which leaves the matter entirely in the discretion of the council of each year.

The Bill provides that if a petition signed by 10 per cent. of the electors qualified to vote on money by-laws is submitted to council, then it must submit at the next annual election a by-law to establish a fund to support a band of music by means of taxation, and have such by-law voted on by the electors who are qualified vote on money by-laws.

If the by-law receives the assent of such electors, then the council is to pass the same and establish the fund, and therefrom, while the fund lasts, make annual or other grants to the support of bands of music.

BILL

An Act to amend The Municipal Act.

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*1st Reading*

March 10th, 1936

*2nd Reading*

*3rd Reading*

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MR. HUNTER

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No. 41

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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# BILL

## An Act to amend The Municipal Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 81,  
cl. b,  
re-enacted.

**1.** Clause *b* of section 81 of *The Municipal Act* is repealed and the following substituted therefor:

Number of  
electors  
in a  
subdivision.

(b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city having a population of not less than 100,000 exceeds 450, and in any other municipality 300, in such a manner that the number in any polling subdivision in such a city shall not exceed 450 and that the number in any polling subdivision in any other municipality shall not exceed 300.

Rev. Stat.,  
c. 233, s. 81,  
cl. e,  
amended.

**2.** Clause *e* of section 81 of *The Municipal Act* is amended by striking out the figures "200" in the second line and inserting in lieu thereof the figures "450" so that the said clause shall now read as follows:

Duty of  
clerk when  
population  
exceeds  
limit.

(e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 450 in a city having a population of not less than 100,000, or 300 in any other municipality, he shall notify the council of the fact.

Rev. Stat.,  
c. 233, s. 82,  
subs. 1,  
amended.

**3.** Subsection 1 of section 82 of *The Municipal Act* is amended by inserting after the word "municipalities" in the second line the words "having a population of less than 100,000" so that the said subsection shall now read as follows:

Uniting  
polling  
sub-  
divisions.

(1) By-laws may be passed by the councils of urban municipalities having a population of less than 100,000 for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor.

#### EXPLANATORY NOTES

The present limitation of the number of electors in a municipal polling subdivision, by section 81 of *The Municipal Act*, is 200 in the cases of cities of a population of not less than 100,000 and 300 in other municipalities. Provision is however made in section 82 for uniting any two adjoining polling subdivisions with one polling place therefor.

This Bill raises the limitation in cities of not less than 100,000 population from 200 to 450 electors and amends section 82 so that such enlarged polling subdivision could not be united.

In the larger cities the polling subdivisions can now be united with a total number of 400 electors in the two combined. If only 40% vote, as is a common occurrence, that means 160 votes in the two combined subdivisions, whereas many more could be readily handled.

The increase to 450 in a polling subdivision would materially decrease the expense of printing the voters' lists and would not interfere with the voting because in such cities the electors would be just as close to the polling place as they are now where two subdivisions are combined.

An Act to amend The Municipal Act.

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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. HUNTER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Voters' Lists Act.

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MR. GLASS

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# BILL

## An Act to amend The Voters' Lists Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 7, s. 48,  
amended.

1. Section 48 of *The Voters' Lists Act* is amended by adding at the commencement thereof the words "Subject to the provisions of subsection 2" and by adding thereto the following subsection:

When  
voters' list  
may be  
prepared  
in one part.

(2) In municipalities to which the provisions of Part IIIA apply the clerk shall prepare and print the voters' list in one part only and shall enter therein the names of all persons appearing by the assessment roll or supplementary assessment roll to be voters at municipal elections, and shall insert therein opposite the name of each such person who appears by the assessment roll or supplementary assessment roll to be entitled to vote at provincial elections the letters "L.F.", meaning that such person is entitled to vote at elections to the Assembly.

Rev. Stat.,  
c. 7, s. 68c,  
(1934, c. 63,  
s. 2, subs. 2),  
amended.

2. Section 68c of *The Voters' Lists Act* as enacted by subsection 2 of section 2 of *The Voters' Lists Act, 1934*, is amended by striking out the words and figures "Parts I and III of" in the tenth and eleventh lines, so that the said section shall now read as follows:

Enumerators  
to prepare  
lists by  
house to  
house  
canvassing.

68c. The enumerators when appointed, shall forthwith after taking their oaths, prepare, by a house to house canvass, a complete list, according to Form 24, under headings of names of streets where possible and in alphabetical order with the street address and occupation of all persons in the respective polling subdivision in the electoral district for which they have been appointed, who are qualified to vote at the election, and the enumerators in preparing the list shall have reference to and make use of the last revised voters' list for the municipality.

#### EXPLANATORY NOTES

Under Part IIIA of *The Voters' Lists Act* the voters' list for provincial elections is now prepared by enumerators in cities and separated towns (population of 10,000 and over) and in townships bordering on large cities.

This Bill provides that in such municipalities it shall not be necessary to prepare Part III of the Voters' List (provincial voters), and as the list will then be a purely municipal list, that Parts I and II be combined into one part. The provincial voters on same will be marked "L.F." so that, if required, the list may be of some use to enumerators in preparing a provincial voters' list.



Rev. Stat.,  
c. 7, s. 68qq  
(1933,  
c. 67, s. 6),  
repealed.

**3.** Section 68qq of *The Voters' Lists Act* as enacted by section 6 of *The Voters' Lists Act, 1933*, is repealed.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.







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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. GLASS

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No. 43

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. KELLY

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TORONTO  
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# BILL

## An Act to amend The Municipal Act

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 397,  
par. 49,  
amended.

1. Paragraph 49 of Section 397 of *The Municipal Act* is amended by inserting after the word "regulating" in the first line, the words "within any part of the municipality or within any defined area thereof, or upon any defined highways therein" so that the said paragraph shall now read as follows:

Animals  
running  
at large.

49. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

#### EXPLANATORY NOTE

It is desirable that councils be permitted to provide that prohibition of animals running at large shall apply only in certain areas, or upon certain highways in the municipality, as in many cases there is no practical reason for extending the prohibition to the whole municipality. The amendment contained in this Bill will achieve the desired object.

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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. KELLY

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No. 44

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Fumigation of Premises.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act respecting the Fumigation of Premises.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Health (Fumigation of Premises) Act, 1936*.

Rev. Stat.,  
c. 262, s. 1,  
amended.      **2.** Section 1 of *The Public Health Act* as amended by section 2 of *The Public Health Act, 1934*, is further amended by inserting therein the following clauses:

"Fumiga-  
tion."  
(ccc) "Fumigation" shall mean fumigation by the use of hydrocyanic acid or cyanide compounds;

"Fumiga-  
tor."  
(cccc) "Fumigator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of the fumigation of premises.

Rev. Stat.,  
c. 262, s. 6,  
amended.      **3.** Section 6 of *The Public Health Act* as amended by section 3 of *The Public Health Act, 1932*, and section 2 of *The Public Health Act, 1933*, is further amended by adding thereto the following clauses:

License for  
fumigation.  
(w) prescribing the terms and conditions upon which a license for fumigation may be issued, the fees payable therefor, the form and term thereof and the terms and conditions upon which any such license may be renewed, suspended and revoked;

Bond or  
insurance.  
(x) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator and prescribing the form, requirements and terms thereof;

Procedure  
for fumi-  
gation.  
Apprentices,  
etc.  
(y) prescribing the procedure, methods and conditions for fumigation and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator;

#### EXPLANATORY NOTES

Section 2. Defines "fumigation" and "fumigator."

Section 3. Provides that the Minister may, with the approval of the Lieutenant-Governor in Council make regulations for the licensing of fumigators and the control of fumigation.



Permits.

- (z) the issuing of permits by the local medical officer of health for the fumigation of any premises to be fumigated and the terms upon which any such permit may be issued, suspended or revoked;

Approval  
of substance  
by the  
Minister.

- (aa) requiring every substance which is or is intended to be used for fumigation to be approved by the Minister and prescribing the conditions upon which such approval may be granted.

Rev. Stat.,  
c. 262,  
amended.

4. *The Public Health Act* is amended by adding thereto the following sections:

No fumi-  
gation  
without a  
license.

- 72a.—(1) No person other than a fumigator licensed under the regulations shall be engaged in or perform any fumigation of premises anywhere in Ontario, except by permission in writing granted by the Minister.

No fumi-  
gation  
without a  
permit.

- (2) No fumigator shall be engaged in or perform the fumigation of any premises except under and according to the terms of a permit issued under the authority of the regulations for such premises.

Fumigator  
responsible  
for  
employees,  
etc.

- (3) Every licensed fumigator shall with respect to the fumigation of any premises be responsible for the acts or omissions of his employees, servants or agents in respect of such premises.

Municipal  
by-laws.

- 72b.—(1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws respecting fumigation not inconsistent with the provisions of this Act and the regulations.

Fee for  
permit.

- (2) Any municipality may by by-law require that a fee of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation of premises, the council of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine.

Inspectors.

Section 4. 72a. The effect of this section is that except by permission of the Minister, no person may engage in fumigation without a provincial license and a permit issued by the medical officer of health for every fumigation operation. Subsection 3 provides that the fumigator shall be responsible for the acts or omissions of his employees, etc.

72b. Subsection 1 provides that every municipality shall have authority to enact by-laws respecting fumigation. Subsection 2 provides that the municipality may collect a fee of \$1 for every permit and also that it shall provide adequate inspection for the enforcement of the Act, regulations and by-laws, and if it fails or neglects to provide such inspection, the Lieutenant-Governor in Council may make the appointments.

Fumigator  
to give  
twenty-four  
hours  
notice.

72c.—(1) At least twenty-four hours before commencing fumigation operations, the fumigator shall deliver a notice in writing to every adult person residing in the premises to be fumigated and at least one adult person residing in each of the following premises,—

- (a) buildings adjoining the buildings to be fumigated; and
- (b) premises which form part of an apartment building or semi-detached house of which the premises to be fumigated form a part; and
- (c) premises so located that the fumigation of the premises to be fumigated constitutes an actual or potential hazard to the occupants of premises so located.

Form of  
notice.

(2) Every such notice shall state that there is danger that a poisonous gas which is to be used in fumigation operations may enter adjoining premises and shall indicate what premises are to be fumigated, the date and day of the week of such fumigation, the hour at which fumigation operations are intended to be commenced and the approximate time during which the occupants of all such premises are required to absent themselves therefrom.

Occupants  
must  
vacate.

(3) All occupants of such premises shall vacate and remain out of the premises during the entire period of fumigation and airing-out and it shall be the duty of the fumigator to inform the occupants when it is safe to re-enter the premises.

Police  
protection.

(4) Every police officer, police constable and other person appointed under the provisions of any Act of the Legislature of Ontario for the preservation and maintenance of the public peace is empowered to remove any person from any of the buildings and premises mentioned in subsection 1 upon being satisfied that the provisions of the said subsection have been complied with and in order to effect such removal may use such force as is reasonably necessary.

Premises  
to be  
aired out.

(5) The fumigator shall see that all such premises are thoroughly aired out before re-occupancy.

Rev. Stat.,  
c. 262, s. 111,  
subs. 1,  
amended.

5. Subsection 1 of section 111 of *The Public Health Act* is amended by striking out the figures "72" in the second line and inserting in lieu thereof the figures and letter "72c".

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

72c. Provides for notice of the fumigation to persons who might be endangered thereby. Subsection 4 provides that police officers, etc., may remove any person who fails or refuses to vacate premises being fumigated after receiving a proper notice.

Section 5. Section 111 of *The Public Health Act* is the penalty section. The amendment makes the said section 111 applicable to the sections added by section 4 of this Bill.

An Act respecting the Fumigation of  
Premises.

---

*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER

---



2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Fumigation of Premises.

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MR. FAULKNER

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# BILL

## An Act respecting the Fumigation of Premises.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Health (Fumigation of Premises) Act, 1936*.

Rev. Stat.,  
c. 262, s. 1,  
amended.      **2.** Section 1 of *The Public Health Act* as amended by section 2 of *The Public Health Act, 1934*, is further amended by inserting therein the following clauses:

"Fumiga-  
tion."      (ccc) "Fumigation" shall mean fumigation by the use of hydrocyanic acid or cyanide compounds;

"Fumiga-  
tor."      (cccc) "Fumigator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of the fumigation of premises.

Rev. Stat.,  
c. 262, s. 6,  
amended.      **3.** Section 6 of *The Public Health Act* as amended by section 3 of *The Public Health Act, 1932*, and section 2 of *The Public Health Act, 1933*, is further amended by adding thereto the following clauses:

License for  
fumigation.      (w) prescribing the terms and conditions upon which a license for fumigation may be issued, the fees payable therefor, the form and term thereof and the terms and conditions upon which any such license may be renewed, suspended and revoked;

Bond or  
insurance.      (x) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator and prescribing the form, requirements and terms thereof;

Procedure  
for fumi-  
gation.  
Apprentices,  
etc.      (y) prescribing the procedure, methods and conditions for fumigation and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator;

- (z) the issuing of permits by the local medical officer of health for the fumigation of any premises to be fumigated and the terms upon which any such permit may be issued, suspended or revoked; Permits.
- (aa) requiring every substance which is or is intended to be used for fumigation to be approved by the Minister and prescribing the conditions upon which such approval may be granted. Approval of substance by the Minister.

4. *The Public Health Act* is amended by adding thereto the following sections: Rev. Stat., c. 262, amended.

- 72a.—(1) No person other than a fumigator licensed under the regulations shall be engaged in or perform any fumigation of premises anywhere in Ontario, except by permission in writing granted by the Minister. No fumigation without a license.
- (2) No fumigator shall be engaged in or perform the fumigation of any premises except under and according to the terms of a permit issued under the authority of the regulations for such premises. No fumigation without a permit.
- (3) Every licensed fumigator shall with respect to the fumigation of any premises be responsible for the acts or omissions of his employees, servants or agents in respect of such premises. Fumigator responsible for employees, etc.
- 72b.—(1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws respecting fumigation not inconsistent with the provisions of this Act and the regulations. Municipal by-laws.
- (2) Any municipality may by by-law require that a fee of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation of premises, the council of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine. Fee for permit. Inspectors.

Fumigator  
to give  
twenty-four  
hours  
notice.

72c.—(1) At least twenty-four hours before commencing fumigation operations, the fumigator shall deliver a notice in writing to every adult person residing in the premises to be fumigated and at least one adult person residing in each of the following premises,—

- (a) buildings adjoining the buildings to be fumigated; and
- (b) premises which form part of an apartment building or semi-detached house of which the premises to be fumigated form a part; and
- (c) premises so located that the fumigation of the premises to be fumigated constitutes an actual or potential hazard to the occupants of premises so located.

Form of  
notice.

(2) Every such notice shall state that there is danger that a poisonous gas which is to be used in fumigation operations may enter adjoining premises and shall indicate what premises are to be fumigated, the date and day of the week of such fumigation, the hour at which fumigation operations are intended to be commenced and the approximate time during which the occupants of all such premises are required to absent themselves therefrom.

Occupants  
must  
vacate.

(3) All occupants of such premises shall vacate and remain out of the premises during the entire period of fumigation and airing-out and it shall be the duty of the fumigator to inform the occupants when it is safe to re-enter the premises.

Police  
protection.

(4) Every police officer, police constable and other person appointed under the provisions of any Act of the Legislature of Ontario for the preservation and maintenance of the public peace is empowered to remove any person from any of the buildings and premises mentioned in subsection 1 upon being satisfied that the provisions of the said subsection have been complied with and in order to effect such removal may use such force as is reasonably necessary.

Premises  
to be  
aired out.

(5) The fumigator shall see that all such premises are thoroughly aired out before re-occupancy.

Rev. Stat.,  
c. 262, s. 111,  
subs. 1,  
amended.

5. Subsection 1 of section 111 of *The Public Health Act* is amended by striking out the figures "72" in the second line and inserting in lieu thereof the figures and letter "72c".

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.











An Act respecting the Fumigation of  
Premises.

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*1st Reading*

March 11th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. FAULKNER

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No. 45

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Health Act.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Public Health Amendment Act, 1936*.

Rev. Stat.,  
c. 262, s. 6,  
amended.

**2.** Section 6 of *The Public Health Act* as amended by section 3 of *The Public Health Act, 1932*, and section 2 of *The Public Health Act, 1933*, is further amended by adding at the end thereof the following clause:

Qualifica-  
tions of  
medical  
officer of  
health and  
sanitary  
inspector.

(ff) prescribing the qualifications of medical officers of health and sanitary inspectors.

Rev. Stat.,  
c. 262, s. 34,  
subs. 1,  
amended.

**3.** Subsection 1 of section 34 of *The Public Health Act* is amended by adding at the end thereof the words "and every such appointment shall be subject to the approval of the Minister" so that the said subsection shall now read as follows:

Medical  
officers of  
health and  
sanitary  
inspectors'  
appoint-  
ment.

(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board and as may be prescribed by the regulations and every such appointment shall be subject to the approval of the Minister.

Rev. Stat.,  
c. 262, s. 36,  
amended.

**4.** Section 36 of *The Public Health Act* as amended by section 5 of *The Public Health Act, 1934*, is further amended by adding thereto the following subsection:

Age of  
retirement  
of medical  
officer of  
health.

(1a) Every medical officer of health shall cease to hold office upon attaining the age of sixty-five years, provided that the council may, with the approval of the Minister, reappoint such officer each year to continue in office until he has attained the age of seventy years.

#### EXPLANATORY NOTES

Section 2. The amendment provides for the qualifications of medical officers of health and sanitary inspectors.

Section 3. The effect of the amendment is to require the approval of the Minister of Health for the appointment of a medical officer of health and a sanitary inspector.

Section 4. The amendment provides an age of retirement for a medical officer of health. •

Rev. Stat.,  
c. 262,  
schedule B,  
amended.

5. Section 1 of the by-law set out in schedule B to *The Public Health Act* is amended by striking out the words "15th day of November" in the ninth line and inserting in lieu thereof the words "31st day of January" so that the said section shall now read as follows:

Duty of  
medical  
health  
officer.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health of Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. Changes the time of the annual return by the medical officer of health from the 15th day of November in each year to the 31st day of January.







An Act to amend The Public Health Act.

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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. FAULKNER

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No. 46

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act for the Regulation of Tourist Camps.

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MR. FAULKNER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act for the Regulation of Tourist Camps.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title      **1.** This Act may be cited as *The Public Health (Tourist Camp Regulation) Act, 1936.*

Rev. Stat.,  
c. 262, s. 6,  
amended.      **2.** Section 6 of *The Public Health Act* as amended by section 3 of *The Public Health Act, 1932*, and section 2 of *The Public Health Act, 1933*, is further amended by adding at the end thereof the following clauses:

Defining  
summer  
camps, etc.

(bb) defining and providing for the licensing of places and premises established, used or set aside for use as summer camps, summer resorts, tourist camps and tourist restaurants;

Licenses for  
summer  
camps, etc.

(cc) prescribing the form and duration of licenses for summer camps, summer resorts, tourist camps and tourist restaurants and for fixing an annual fee not exceeding \$5 for such licenses and for suspending or revoking such licenses;

Registers.

(dd) providing for the keeping of registers of persons admitted as guests at summer camps, summer resorts and tourist camps;

Accommo-  
dation,  
etc., in  
summer  
camps.

(ee) prescribing the accommodation, equipment, conveniences, sanitary facilities, types and location of buildings and other structures to be provided and maintained in summer camps, summer resorts, tourist camps and tourist restaurants.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Section 2. The amendments contained in this section provide that the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations for the licensing and regulating of summer camps, summer resorts, tourist camps and tourist restaurants.



An Act for the Regulation of Tourist  
Camps.

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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. FAULKNER

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No. 47

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. MACBRIDE

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 255,  
amended.

1. Section 255 of *The Municipal Act* is amended by adding thereto the following subsection:

Pensions  
for officers  
and  
employees  
having 30  
years  
service.

- (2) The council of any municipality having a population of not less than 20,000 for which no general pensions scheme for municipal officials and employees has been established may grant to any officer or employee who is retiring, but at the time of his retirement only, and who has attained the age of sixty-five and has been in the employment of the municipality for not less than thirty years prior to his retirement, an annual pension or retiring allowance during the life of such officer or employee equal to one-half of his average annual salary, wages or other remuneration for the ten years immediately preceding his retirement, but in no case shall the annual pension or retiring allowance be more than \$1,200.

Rev. Stat.,  
c. 233, s. 311,  
subs. 1,  
amended.

2. Subsection 1 of section 311 of *The Municipal Act* is amended by striking out the words "Every council" in the first line and inserting in lieu thereof the words "The treasurer of a municipality" so that the said subsection shall now read as follows:

Separate  
debt  
accounts to  
be kept by  
treasurer.

- (1) The treasurer of a municipality shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

#### EXPLANATORY NOTES

Section 1. A council is now limited to granting a retiring gratuity equal to three years' salary on an officer retiring who has been in the civic service for over 20 years.

The amendment leaves that provision untouched, but also enables a council in municipalities of over 20,000 population to grant annual pensions to officers and employees who are 65 years of age and have had 30 years' civic service on their retirement, the pension to be 50% of the average of 10 years' salary, but not in any instance to exceed \$1,200.

Section 2. It is thought desirable to make the treasurer and not the council responsible for keeping debenture accounts, because it is the treasurer who actually does keep the accounts.

Rev. Stat.,  
c. 233, s. 317,  
amended.

3. Section 317 of *The Municipal Act* is amended by striking out the words "the council" in the second line and inserting in lieu thereof the words "the head of the municipality and the treasurer" so that the said section shall now read as follows:

Investment  
of sinking  
fund.

Rev. Stat.,  
c. 150.

317. Subject to the provisions of sections 318 and 319, the head of the municipality and the treasurer shall invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act*, or with the approval of the Municipal Board, in any debentures of the corporation.

Section 3. Is to transfer control over the investment sinking funds from the council to the head and treasurer of the municipaity.







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*1st Reading*

March 11th, 1936

*2nd Reading*

*3rd Reading*

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MR. MACBRIDE

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No. 48

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Health Act.

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MR. STRACHAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
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# BILL

## An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 262, s. 23,  
subs. 2,  
amended.

1. Subsection 2 of section 23 of *The Public Health Act* is amended by inserting after the words "sanitary conveniences" in the fifth line the words "or suitable connections with a water service," and by inserting after the word "municipality" in the tenth line the words "or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises" so that the said subsection shall now read as follows:

When  
local board  
may instal  
sanitary  
conveniences  
or water  
service  
pipes.

- (2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Subsection 2 of section 23 of *The Public Health Act* enables the installation of sanitary conveniences on the recommendation of the local board of health in any building where the owner is unable to bear the expense at once, by allowing their installation by the municipality at the expense of the owner, such expense being on the direction of the Department of Health paid in equal successive annual payments extending over a period not exceeding five years, and collected in like manner as municipal taxes.

This Bill would extend this provision of *The Public Health Act* by making it apply in the same way to water service pipes with the necessary connections.



An Act to amend The Public Health Act.

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*1st Reading*

March 12th, 1936

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Health Act.

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MR. STRACHAN

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# BILL

## An Act to amend The Public Health Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 262, s. 23,  
subs. 2,  
amended.

1. Subsection 2 of section 23 of *The Public Health Act* is amended by inserting after the words "sanitary conveniences" in the fifth line the words "or suitable connections with a water service," and by inserting after the word "municipality" in the tenth line the words "or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises" so that the said subsection shall now read as follows:

When  
local board  
may instal  
sanitary  
conveniences  
or water  
service  
pipes.

- (2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Public Health Act.

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*1st Reading*

March 12th, 1936

*2nd Reading*

March 20th, 1936

*3rd Reading*

April 3rd, 1936

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MR. STRACHAN

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No. 49

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. ALLEN

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TORONTO  
PRINTED BY T. E. BOWMAN  
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# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 400,  
amended.

1. Section 400 of *The Municipal Act* is amended by adding thereto the following paragraph:

Licensing,  
etc., of slot  
vending  
machines.

16. For licensing, regulating and controlling automatic vending machines, automatic service machines, automatic amusement machines and all machines, instruments, contrivances or mechanical devices of a similar nature, the operation of which is not contrary to law, whether or not the same are kept for hire or profit.

Exception.

(a) The by-law may provide for the exemption from its provisions or any of them of vending machines which are located in shops where the articles vended by such machines are usually sold.

#### EXPLANATORY NOTES

The purpose of this Bill is to authorize councils of urban municipalities and of townships bordering on cities of not less than 100,000 population to impose a license fee on what are generally known as "slot machines," confined, however, to those which may legally be operated.

Slot machines for selling gum, candy, cigarettes, etc., are found located not only in shops, but in the entrances and corridors of buildings and in various other locations. These compete with merchants selling these articles who pay a business tax, and it is practically impossible to make such machines subject to any business tax. The imposition of a license fee would tend to remove such unfair competition.

Similar machines are often found located in shops where they do not so compete because the owner of the shop also owns the machine, but in such cases they tend to reduce the number of employees who would otherwise work there, and for that reason might reasonably be required to pay a license fee if the council decides that they should do so. The Bill authorizes the council in its discretion to exempt such machines from the license requirement.

An Act to amend The Municipal Act.

*1st Reading*

March 12th, 1936

*2nd Reading*

*3rd Reading*

MR. ALLEN

No. 50

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. LAWRENCE

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TORONTO  
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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat., c. 233, s. 53, subs. 1, cls. r, s and u, (1935, c. 43, s. 3) re-enacted. **1.** Clauses *r*, *s* and *u* of subsection 1 of section 53 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1935*, are repealed and the following substituted therefor:

Tax arrears  
of owner.

- (*r*) An owner against the land in respect of which he qualifies there are at the time of the nomination any taxes of a preceding year or years overdue and unpaid;

Tax arrears  
of tenant.

- (*s*) A tenant against the land in respect of which he qualifies there are at the time of the nomination any taxes of a preceding year or years overdue and unpaid and which taxes as between the landlord and the tenant the latter should pay, but this clause shall not apply to disqualify a tenant in respect to taxes of a preceding year or years which are overdue and unpaid and which as between the landlord and the tenant the former should pay or which are owing in respect to a year or years prior to the time when the tenant became an occupant of the land;

Business  
tax.

- (*u*) A person whose taxes in respect of an assessment for business at the time of the nomination are overdue and unpaid.

#### EXPLANATORY NOTE

The object of this Bill is to clarify the situation as to grounds for disqualifying owners and tenants who seek election as members of municipal councils.

The Bill provides as follows:—

**OWNER.** To be disqualified if there are arrears of taxes owing on the property on which he seeks to qualify. Unpaid taxes of the current year will not disqualify.

**TENANT.** To be disqualified if there are arrears of taxes owing on the property on which he seeks to qualify if such arrears should be paid by the tenant according to his agreement with the landlord. Unpaid taxes of the current year will not disqualify, nor will arrears of taxes disqualify a tenant if the landlord should pay the arrears according to his agreement with the tenant. Nor will a tenant be disqualified if the arrears which are owing date back to a period prior to his occupancy.

**BUSINESS TAX.** Any person liable to any business tax which is overdue and unpaid is disqualified.

**CHANGES.** The important changes from the existing state of the law are:

1. The fact that a tenant owes arrears of rent will not disqualify him.
2. The fact that arrears of taxes are by contract the responsibility of the landlord, and not the tenant, will protect the tenant from disqualification.
3. The fact that the arrears of taxes are for a period prior to the tenant's occupancy will protect a tenant from disqualification.

There is no change in the owner's position under the Bill, and as provided in 1935 the disqualification test is limited to:

- (a) The property on which the candidate seeks to qualify;
- (b) Tax arrears of the preceding year or years, and does not apply to cause disqualification if—
  - (i) the candidate owes taxes on property other than that on which he qualifies;
  - (ii) the candidate owes taxes of the current year.

Clause *u* is rewritten merely to drop the provision now in it with reference to income tax, in view of the fact that the municipality will not in future impose income tax on individuals.



An Act to amend The Municipal Act.

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*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

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MR. LAWRENCE

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No. 51

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to authorize the Levying of a Tax upon certain Incomes.

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MR. LEDUC

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TORONTO  
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No. 51

1936

# BILL

An Act to authorize the Levying of a Tax upon certain Incomes.

## SHORT TITLE

Short title.     **1.** This Act may be cited as *The Income Tax Act of Ontario, 1936.*

## INTERPRETATION

Interpreta-     **2.** In this Act, and in any regulations made hereunder, tion. unless the context otherwise requires,

"Commis-     (a) "Commissioner of Income Tax" means the officer sioner of appointed by the Governor in Council pursuant to Income Tax." the provisions of the *Department of National Revenue Act* (Canada).  
R.S.C., c.  
137.

"Dividends."     (b) "dividends" shall include stock dividends;

"Employed     (c) "employed in Ontario" means regularly or continu- in Ontario." ously employed to perform personal services, any part of which is performed in Ontario, for salary, wages, commissions, fees or other remuneration, whether directly or indirectly received, derived from sources within Ontario;

"Controller     (d) "Controller of Revenue" means the Controller of of Revenue." Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;

"Gross     (e) "gross revenue" (where a personal corporation has Revenue." revenue from more than one source) means the sum of the net profits from each source;

"Treasurer."     (f) "Treasurer" means the Treasurer of Ontario;

"Minister."     (g) "Minister" means the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada);



- "Person" (h) "person" includes any association, trust, personal corporation or other body, and the heirs, executors, administrators and curators or other legal representatives of such person, according to the law of Ontario; but does not include any body corporate except a personal corporation;
- "Personal corporation." (i) "personal corporation" means a corporation or joint stock company, irrespective of when or where created, whether in Ontario or elsewhere, and irrespective of where it carries on its business or where its assets are situate, controlled, directly or indirectly, by one individual who resides in Ontario, or by one such individual and his wife or any member of his family, or by any combination of them or by any other person or corporation or any combination of them on his or their behalf, and whether through holding a majority of the stock of such corporation or in any other manner whatsoever, the gross revenue of which is to the extent of one-quarter or more derived from one or more of the following sources, namely:—
- (i) From the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property,
  - (ii) From the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or
  - (iii) From or by virtue of any right, title or interest in or to any estate or trust;
- "Self-contained domestic establishment." (j) "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence, containing at least two bedrooms, in which residence amongst other things the taxpayer as a general rule sleeps and has his meals prepared and served;
- "Taxpayer." (k) "taxpayer" means any person paying, liable to pay, or believed by the Treasurer to be liable to pay, any tax imposed by this Act;
- "Year." (l) "year" means the calendar year or such other period of time as the context may require;
- "Corporation." (m) "corporation" means a corporation and an association however or wherever incorporated.





## PART I

## TAXABLE INCOME

## TAXABLE INCOME DEFINED

"Income."

3. For the purposes of this Act, "income" includes the annual net profit or gain or gratuity, whether ascertained and capable of computation as being wages, salary, or other fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment, or from any profession or calling, or from any trade, manufacture or business, as the case may be, whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent; and
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon the surrender of the contract; and
- (c) any payment to any employee out of any employees' superannuation or pension fund or plan; and
- (d) the salaries, indemnities or other remuneration of
  - (i) members of the Senate and House of Commons of Canada and officers thereof;
  - (ii) members of the Legislative Assembly of Ontario;
  - (iii) members of Municipal Councils, Commissions or Boards of Management;
  - (iv) any Judge of any Dominion or Provincial court whose salary was increased by chapter fifty-nine of the Statutes of Canada of one thousand nine hundred and nineteen or by chapter fifty-six of the Statutes of Canada of one



thousand, nine hundred and twenty and who accepted such increase, and any Judge of any such Court appointed after the seventh day of July, one thousand, nine hundred and nineteen; and

- (v) all persons, whatsoever, whether the said salaries, indemnities or other remuneration are paid out of the revenue of His Majesty in respect of His Government of Canada, or of any province thereof, or by any person, except as herein otherwise provided; and
- (e) personal and living expenses when such form part of the profit, gain or remuneration of the taxpayer;
- (f) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that the same are payable on account of the use or sale of any such property.

## PART II

### EXEMPTIONS AND DEDUCTIONS

#### EXCEPTED INCOMES

Incomes  
not liable  
to tax.

4. The following incomes shall not be liable to taxation hereunder:—

Governor-  
General.

- (a) The income of the Governor-General of Canada;

Consuls-  
General.

- (b) The income of consuls and consuls-general and of officials or officers of a foreign country whose duties require them to reside in Ontario, if and only if they are citizens of the country they represent and are not engaged in any business or calling other than the duties appertaining to their official position and provided that the country they represent grants a similar exemption to officials of the Government of Canada;

British  
officials.

- (c) The income of officials of Great Britain or any of its self-governing colonies whose duties require them to reside in Ontario, and who are not engaged in any business or calling other than the duties appertaining to their official position;



Municipal  
undertaking

- (d) The income of any commission or association not less than ninety per centum of the capital of which is owned by a province or a municipality;

Charitable  
institutions.

- (e) The income of any religious, charitable, agricultural and educational institution, board of trade and chamber of commerce, no part of the income of which inures to the personal profit of, or is paid or payable to any proprietor thereof;

Labour  
organiza-  
tions.

- (f) The income of labour organizations and societies and of benevolent and fraternal beneficiary societies and orders;

Clubs.

- (h) The income of clubs, societies and associations, organized and operated solely for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the benefit of any member;

Farmers'  
associations.

- (i) The income of such insurance, mortgage and loan associations operated entirely for the benefit of farmers as are approved by the Treasurer;

Co-opera-  
tive com-  
panies and  
associations.

- (p) The income of farmers', dairymen's, livestockmen's, fruit growers', poultrymen's, fishermen's and other like co-operative associations, organized and operated on a co-operative basis, which organizations

(a) market the products of the members of such co-operative organizations under an obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less necessary expenses and reserves;

(b) purchase supplies and equipment for the use of such members under an obligation to turn such supplies and equipment over to them at cost, plus necessary expenses and reserves.

Such associations may market the produce of, or purchase supplies and equipment for non-members of the association provided the value thereof does not exceed twenty per centum of the value of produce, supplies or equipment marketed or purchased for the members.

This exemption shall extend to associations owned or controlled by such co-operative associations and organized for the purpose of financing their operations.







- (q) The income of any banking institution organized under co-operative provincial legislation which derives its revenues from loans made primarily to members residing within the territorial limits within the province to which the institution is restricted for the carrying on of its business;
- (r) The income of members of the Senate and House of Commons of Canada whose usual place of residence is outside of Ontario.

#### DEDUCTIONS AND EXEMPTIONS ALLOWED

Exemptions and deductions. 5.—(1) "Income" as hereinbefore defined shall, for the purposes of this Act, be subject to the following exemptions and deductions:—

Depreciation and exhaustion.

- (a) Such reasonable amount as the Treasurer in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; provided, however, that when depreciation and exhaustion allowances cease under the *Income War Tax Act* (Canada) they shall also cease under this Act;

Depletion between lessor and lessee.

And in the case of leases of mines, oil and gas wells and timber limits, the lessor and the lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer shall have full power to apportion the deduction between them and his determination shall be conclusive;

Interest on borrowed capital.

- (b) Such reasonable rate of interest on borrowed capital used in the business to earn the income as the Treasurer in his discretion may allow notwithstanding the rate of interest payable by the taxpayer, but to the extent that the interest payable by the taxpayer is in excess of the amount allowed by the Treasurer hereunder, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

- (c) Two thousand dollars in the case of

Married person.

- (i) A married person;

Widow or widower with dependent child.

- (ii) A widow or widower with a son or daughter under twenty-one years of age who is depend-



ent upon such parent for support, or if twenty-one years of age or over is likewise dependent on account of mental or physical infirmity;

Person maintaining self-contained domestic establishment and supporting therein a relative.

(iii) An individual who maintains a self-contained domestic establishment and who actually supports therein one or more individuals connected with him by blood relationship, marriage or adoption;

Clergyman maintaining self-contained domestic establishment.

(iv) A minister or clergyman in charge of a diocese, congregation or parish, whose duties require him to maintain at his own and sole expense a self-contained domestic establishment and who employs therein on full time a house-keeper or servant;

Other persons.

(d) One thousand dollars in the case of all other persons; and

Dependent children and grandchildren.

(e) Four hundred dollars for each child or grandchild (except one such child or grandchild on whose account the taxpayer is entitled to exemption under paragraphs (c) (ii) or (c) (iii) hereof) of the taxpayer, under twenty-one years of age and dependent upon the taxpayer for support or twenty-one years of age or over and likewise dependent on account of mental or physical infirmity;

Travelling expenses.

(f) Travelling expenses, including the entire amount expended for meals and lodgings, while away from home in the pursuit of a trade or business;

Deductions for superannuation or pension fund.

(g) Any part of the remuneration of a taxpayer retained by his employer in connection with an employee's superannuation or pension fund or plan;

Election for pension fund income exemption.

(h) In case of a trust established in connection with, or a corporation incorporated for the administration of an employees' superannuation or pension fund or plan, the income from the investment of the superannuation or pension funds shall be exempt if the trustee or corporation so elects. In such event the exemption provided for by the next preceding paragraph shall not be allowed but any payment to an employee out of the fund shall, notwithstanding anything contained in this Act, be exempt according to the proportion that the sum of the amounts paid by the employee into the fund after the effective date of the election bears to the total amount paid by him into the fund;



Election shall be effected by writing, signed by the trustee or corporation in control of the fund.

Notwithstanding the date of election, the Treasurer shall have full power to determine from what date the election shall take effect.

Dependent  
relatives.

- (i) The amount not exceeding four hundred dollars actually expended by a taxpayer for the support of each of the following persons (except one such person on whose account the taxpayer is entitled to exemption under paragraph (c) (iii) hereof) who are dependent upon him for support;

(a) A parent or grandparent dependent on account of mental or physical infirmity;

(b) A brother or sister under twenty-one years of age or twenty-one years of age or over if dependent on account of mental or physical infirmity;

Charitable  
donations.

- (j) The amount allowed as an exemption, by way of charitable donation, under the *Income War Tax Act* (Canada) for the corresponding period.

\$1,200.00  
of annuity  
exempt.

- (k) Twelve hundred dollars only, being income derived from annuity contracts with the Government of Canada or like annuity contracts issued by any Provincial Government, or any company incorporated or licensed to do business in Canada;

Provided that, in the case of a husband and wife each having annuity income, the exemption herein provided shall not exceed twelve hundred dollars between them in respect of such annuity income and the exemption may be taken by either the husband or the wife or apportioned between them by agreement or by the Treasurer;

And provided, further, that the income arising out of annuity contracts entered into prior to the 26th of May, 1932, shall continue to be exempt as theretofore provided by section three of chapter twenty-four of the Statutes of Canada for 1930;

And provided, further, that where a husband purchases an annuity for his wife or a wife for her husband, the income therefrom shall be taxed as income of the purchaser;







And provided further that annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of this Act.

The decision of the Treasurer in respect of any question arising under paragraphs (i), (j) and (k) hereof shall be final and conclusive.

Succession  
duty  
interest.

(l) Interest paid in respect of Succession Duties or inheritance taxes.

Dominion  
Income Tax.

(m) The tax payable under the *Income War Tax Act* (Canada) in respect of the income of the year; provided, however, that such tax paid or payable by any non-resident person carrying on business in Ontario shall be that portion of the tax payable under the *Income War Tax Act* (Canada) which the Commissioner of Income Tax may determine arises by reason of the business done in Ontario.

Incomes of  
husband  
and wife.

(2) Where a husband and wife have each a separate income in excess of one thousand dollars, whether taxable or not, each shall receive an exemption of one thousand dollars in lieu of the exemption set forth in paragraph (c) of subsection one.

Exemption  
for  
dependent  
children;  
who may  
take.

(3) The exemption for any dependent child may be taken by either parent under arrangement between themselves; and in the event of any dispute arising between them the said exemption shall be allowed to the father of the said child.

#### DEDUCTIONS FROM INCOME NOT ALLOWED

Deductions  
not  
allowed.

6.—(1) In computing the amount of the profits or gains to be assessed, a deduction shall not be allowed in respect of

Expenses  
not laid  
out to  
earn  
income.

(a) disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose of earning the income;

Capital  
out-lays or  
losses, etc.

(b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual  
value of  
property.

(c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business to earn the income subject to taxation;



Reserves,  
contingent  
accounts  
or sinking  
funds.

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act;

Carrying  
charges.

- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling;

Personal  
expenses.

- (f) personal and living expenses;

Application  
of carrying  
charges.

- (h) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income;

Losses  
sustained  
abroad.

- (j) net losses sustained in any taxation period in the United Kingdom of Great Britain and Northern Ireland or any of the British Dominions (other than Canada) or any British possession or dependency, or in any foreign country, after the taxpayer has in respect of any such period once elected to claim and has received, reciprocal tax relief under the *Income War Tax Act* (Canada) for taxes paid to any such country in respect of profits earned therein.

Limitation  
of certain  
expenses  
charged  
against  
profits.

- (2) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus or commission which in his opinion is in excess of what is reasonable for the services performed.

Income tax  
paid in any  
portion of  
British  
Empire  
or in any  
foreign  
country.

- 8.—(1) A taxpayer shall be entitled to deduct from the tax that would otherwise be payable by him under this Act,

- (a) the amount paid to Great Britain or any of its self-governing colonies or dependencies for income tax in respect of the income of the taxpayer derived from sources therein; and
- (b) the amount paid to any foreign country for income tax in respect of the income of the taxpayer derived from sources therein, if such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Canada.

Limit of  
deduction.

- (2) Such deduction shall not at any time exceed the amount of tax which would otherwise be payable under the provisions



of this Act, in respect of the said income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

Evidence  
by taxpayer.

(3) Any such deduction shall be allowed only if the taxpayer furnishes satisfactory evidence showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

Non-resident  
Canadian  
officials  
allowance.

(4) A Minister, High Commissioner, officer, servant or employee of the Government of Canada or an agent general for any of the provinces of Canada, or any officer, servant or employee thereof, resident outside of Canada, shall be entitled to deduct from the tax that would otherwise be payable by him under this Act the amount paid as income tax to the government of the country in which he resides.

### PART III

#### CHARGING PROVISIONS

##### PERSONS TAXABLE

Persons  
liable to  
income tax.

9. There shall be assessed, levied and paid upon the income during the preceding year of every person

- (a) residing or ordinarily resident in Ontario during such year; or
- (b) who sojourns in Ontario for a period or periods amounting to one hundred and eighty-three days during such year; or
- (c) who is employed in Ontario during such year; or
- (d) who, not being resident in Ontario, is carrying on business in Ontario during such year; or
- (e) who, not being resident in Ontario, derives income for services rendered in Ontario during such year, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business or corporation carrying on business in Ontario; or
- (f) who, before his appointment was a resident of Ontario and is now or was during such year or any part thereof or hereafter becomes a Minister, High Commissioner, officer, servant or employee of the Government of Canada, or an agent general for any of the provinces of Canada, or any officer,







servant or employee thereof, resident outside of Canada, except upon income arising from his official position,

a tax at the rates set forth in the First Schedule of this Act upon the amount of income in excess of the exemptions provided in this Act.

## PART IV.

### SPECIAL PROVISIONS RELATING TO THE INCIDENCE OF THE TAX

#### INCOME FROM CHIEF BUSINESS

Income from chief occupation.

**10.**—(1) In any case the income of a taxpayer shall be deemed to be not less than the income derived from his chief position, occupation, trade, business or calling.

Which is chief occupation.

(2) Where a taxpayer has income from more than one source by virtue of filling or exercising more than one position, occupation, trade, business or calling, the Treasurer shall have full power to determine which one or more, or which combination thereof shall, for the purpose of this Act, constitute the taxpayers' chief position, occupation, trade, business or calling, and the income therefrom shall be taxed accordingly.

Final determination.

(3) The determination of the Treasurer exercised pursuant hereto shall be final and conclusive.

#### INCOME FROM ESTATES AND TRUSTS

Income from an estate or accumulating in trust.

**11.**—(1) The income, for any taxation period, of a beneficiary of any estate or trust of whatsoever nature shall be deemed to include all income accruing to the credit of the taxpayer whether received by him or not during such taxation period.

Trusts for unascertained person.

(2) Income accumulating in trust for the benefit of unascertained persons, or of persons with contingent interests shall be taxable in the hands of the trustee or other like person acting in a fiduciary capacity, as if such income were the income of a person, provided that he shall not be entitled to the exemptions provided by paragraphs (c), (d), (e) and (i) of subsection one of section five of this Act.

Accruals to date of death.

(3) In determining the taxable income of deceased persons, interest, rents, royalties, annuities and other income payable periodically shall be deemed to have accrued by equal daily



increment during and within the period for or in respect of which such income arose and shall be apportionable in respect of the period of time accordingly and that portion accrued to the date of death shall be taxed as income of the deceased.

**Dividends.** (4) Dividends received by an estate or trust and capitalized shall be taxable income of the estate or trust.

**Life beneficiaries.** (5) Any amount paid by an estate or trust for the upkeep, maintenance and taxes of any property which, under the terms of the will or trust is required to be maintained for the use of any tenant for life, and which in any case is in excess of such an amount as the Treasurer may prescribe, shall be deemed to be taxable income received by such tenant for life.

#### DIVIDENDS

**Taxable in year paid.** **12.**—(1) Dividends or shareholders' bonuses shall be taxable income of the taxpayer in the year in which they are paid or distributed.

**Payments on income bonds or income debentures.** (2) For the purpose of this Act any annual amount received in respect of an income bond or income debenture shall be deemed to be a dividend.

#### UNDIVIDED PROFITS OF CORPORATION

**Undistributed profits of corporations.** **13.** In the case of any corporation which has undivided or undistributed profits, if the Treasurer is of opinion that the accumulation of such profits is in excess of what is reasonably required for the purposes of the business, he may notify the corporation by registered letter of the amount of such accumulation which he considers excessive, and if such amount is not distributed during the fiscal period of the corporation in which notice is given, the shareholders shall be deemed to have received such amount of profits as a dividend on the last day of the said fiscal period and shall be taxable accordingly.

#### INDIRECT DISTRIBUTION OF SURPLUS

**Indirect distribution of surplus.** **14.** Where a person owning shares of a corporation transfers such shares or a portion thereof to a second corporation acting as his agent, trustee or attorney or promoted at his instance or controlled by him, which second corporation subsequently receives a dividend from the first-mentioned corporation and applies the income thus received, in whole or in part, directly or indirectly

(a) in payment of the shares purchased by the second corporation from such person;

(b) in the discharge of any liability incurred to such person by reason of and in connection with the purchase of such shares; or



- (c) in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person shall be taxable in respect of such dividend as if he had received it in the year that the first-mentioned corporation declared the dividend.

#### CAPITALIZATION OF UNDISTRIBUTED INCOME

Corporate surplus taxable to shareholder on capitalization.

**15.** When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected.

#### CAPITAL STOCK REDUCTIONS OR REDEMPTIONS

Capital stock reductions.

**16.**—(1) Where a corporation having undistributed income on hand reduces or redeems any class of the capital stock or shares thereof the amount received by any shareholder by virtue of the reduction shall, to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time of such reduction, be deemed to be a dividend and to be income received by such shareholder.

Application.

(2) The provisions of this section shall not apply to any class of stock which, by the instrument authorizing the issue of such class, is not entitled on being reduced or redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend nor to a reduction of capital effected before the sixteenth day of April, one thousand nine hundred and twenty-six.

#### REDEMPTION OF SHARES AT PREMIUM

Premiums Taxable.

**17.** Where a corporation redeems its shares at a premium, the premium shall be deemed to be a dividend and to be income received by the shareholder.

#### LOANS TO SHAREHOLDERS

Loans to shareholders.

**18.**—(1) For the purposes of this Act, any loan or advance by a corporation, or appropriation of its funds to a share-







holder thereof, other than a loan or advance incidental to the business of the corporation shall be deemed to be a dividend to the extent that such corporation has on hand undistributed income and such dividend shall be deemed to be income received by such shareholder in the year in which made.

**Application.** (2) This section shall not apply to a loan or advance made by a corporation lawfully empowered to make loans to its shareholders.

#### DISTRIBUTION ON WINDING-UP OR REORGANIZATION

**Surplus  
distribution  
taxable.**

**19.** On the winding-up, discontinuance or reorganization of the business of any incorporated company, the distribution in any form of the property of the company shall be deemed to be the payment of a dividend to the extent that the company has on hand undistributed income.

**When  
surplus  
distribution  
not taxable.**

Provided, however, that this section shall not apply to the distribution of the property of a private investment holding company to the extent that its undistributed income is made up of income from British and foreign securities and interest bearing securities of Canadian debtors when the business of such holding company is and has been carried on in Ontario, and all of its shares (less directors' qualifying shares) are and have been beneficially owned since its incorporation by a non-resident individual, or by such an individual and his wife or any member of his family, or by any combination of them. In determining the extent to which the undistributed income of any such private investment holding company on hand at the date of winding-up is made up of income received by way of dividends from Canadian companies, all dividends or disbursements of such holding company which have been paid or made prior to the date of winding-up shall be deemed to have been paid out of income received from British and foreign securities and interest bearing securities of Canadian debtors.

**Undis-  
tributed  
income  
deemed  
to be  
reduced.**

**20.** The undistributed income of a corporation shall, for the purposes of sections fifteen, sixteen, seventeen, eighteen and nineteen, be deemed to be reduced by the amount deemed to be received by the shareholders as a dividend by virtue of the provisions of the said sections fifteen, sixteen, seventeen, eighteen and nineteen.

#### PERSONAL CORPORATIONS

**Income of  
personal  
corporation  
distributed.**

**21.—(1)** The income of a personal corporation, whether the same is actually distributed or not, shall be deemed to be distributed on the last day of each year as a dividend to the



shareholders, and the said shareholders shall be taxable each year as if the same had been distributed in the proportions hereinafter mentioned.

Shareholder's taxable portion.

(2) Each shareholder's taxable portion of the income of the corporation, deemed to be distributed to him as above provided for, shall be such percentage of the income of the corporation, as the value of all property transferred or loaned by such shareholder or his predecessor in title to the corporation is of the total value of all property of the corporation acquired from the shareholders.

Valuation of property transferred.

(3) The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation, and the total value of the property of the corporation acquired from its shareholders shall, for the purpose of determining the percentage referred to in the last preceding subsection, be taken as at the date of acquisition thereof by the corporation; and in ascertaining values under this subsection, regard shall be had to all the facts and circumstances, and the decision of the Treasurer in that respect shall be final and conclusive.

One personal corporation succeeding another.

(4) Where one personal corporation is succeeded by, or transfers its property to, another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second or succeeding corporation the property which they transferred to the corporation first mentioned and where any person acquires the control of a personal corporation he shall be deemed to have transferred to such corporation the property transferred thereto by his vendor.

Fiscal period.

(5) Where the fiscal period of the personal corporation does not coincide with the calendar year, the income shall be deemed to be distributed as a dividend on the last day of the fiscal period.

Personal corporation dividends.

(6) Dividends actually declared by a personal corporation after the thirty-first day of December, one thousand, nine hundred and twenty-four, shall be deemed to be paid out of income earned after said thirty-first day of December, one thousand, nine hundred and twenty-four, so far as the same is available and to that extent shall not be liable to further taxation in the hands of the shareholders.

Shareholders to file statement of personal corporations.

(7) The shareholder of a personal corporation who controls such corporation shall file with his income tax return a statement of the assets, liabilities and income of the personal corporation.





Failure to  
file state-  
ment,  
penalty.

(8) Any such shareholder who fails to file the statement required by subsection seven at the time and in the manner prescribed, may be taxed on double the amount of his proportion of the income of such personal corporation.

#### FAMILY CORPORATIONS

Family  
corporations.

**22.** The income of a family corporation as defined by the *Income War Tax Act* (Canada) to the extent that it has been taxed in the hands of the shareholders under the provisions of the said Act, shall not, on distribution by way of dividend, be subject to tax under the provisions of this Act.

#### INCOME IN ONTARIO OF NON-RESIDENTS

Non-resident  
carrying on  
business in  
Ontario.

**24.** The income liable to taxation under this Act of every person residing outside of Ontario, who is carrying on business in Ontario, either directly or through or in the name of any other person, shall be the net profit or gain arising from the business of such person in Ontario.

Casual or  
temporary  
employment  
in Ontario.

**25.** The income liable to taxation under this Act of every person residing outside of Ontario, who derives income for services rendered in Ontario, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business in Ontario, or for any corporation carrying on business in Ontario, shall be the income so earned by such person in Ontario.

Dividends of  
non-resident  
employees  
taxable.

**25a.** The income liable to taxation under the Act of every person residing outside of Ontario who renders services in Ontario as a director, officer, or employee of any corporation carrying on business in Ontario, the majority of the voting shares of which are owned or controlled by any such person, or any combination of them, or any trustee acting on his or their behalf, shall include dividends and interest received, by him or them or his or their trustee, from the corporation with which he is so associated or any subsidiary thereof and shall be taxable against such person.

#### INCOME FROM OPERATIONS IN ONTARIO

Income  
partly  
arising from  
creative  
operations  
within  
Ontario  
taxable.

**26.—**(1) Where a non-resident person produces, grows, mines, creates, manufactures, fabricates, improves, packs, preserves or constructs, in whole or in part, anything within Ontario and exports the same without sale prior to the export thereof, he shall be deemed to be carrying on business in Ontario and to earn within Ontario a proportionate part of any profit ultimately derived from the sale thereof outside of Ontario.

Treasurer's  
discretion.

(2) The Treasurer shall have full discretion as to the manner of determining such proportionate part.





## PARTNERSHIPS

**Partnerships.** **30.** Where two or more persons are carrying on business in partnership the partnership as such shall not be liable to taxation but the shares of the partners in the income of the partnership, whether withdrawn or not during the taxation year shall, in addition to all other income, be income of the partners and taxed accordingly.

**Husband and wife as partners.**

**31.—**(1) Where a husband and wife are partners in any business the total income from the business may in the discretion of the Treasurer be treated as income of the husband or the wife and taxed accordingly.

**Husband or wife as employee or employer.**

(2) Where a husband derives income as an employee of his wife or *vice versa* any remuneration paid to the husband or wife shall not be chargeable as an expense of the business in determining the net profit thereof.

**Husband or wife as employee of a partnership in which husband or wife is a partner.**

(3) Where the husband or wife of a partner in any business receives any salary or any other remuneration therefrom, the portion of the remuneration paid that bears a similar proportion to the interest of the wife or husband, as the case may be, in the partnership business shall be added to the income of the said wife or husband and taxed accordingly.

## TRANSFERS TO EVADE TAXATION

**Transfer of property.**

**32.—**(1) Where a person transfers property to his children whether the transfer is absolute and irrevocable, in trust or otherwise, such person shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made, unless the Treasurer is satisfied that such transfer was not made for the purpose of evading the taxes imposed under this Act.

(2) Where a husband transfers property to his wife, or *vice versa*, whether the transfer is absolute and irrevocable in trust or otherwise, the husband or the wife, as the case may be, shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made.



## PART V

## RETURNS

## GENERAL

Annual  
returns.

**33.**—(1) Every person liable to taxation under this Act, shall, on or before the thirtieth day of April in each year, without any notice or demand, and any person whether liable to taxation hereunder or not, upon receipt of a notice or demand in writing from the Controller of Revenue or the Commissioner of Income Tax, or any officer of the Governments of Canada or Ontario authorized to make such demand, deliver to such person a return, in such form as the Treasurer or the Minister may prescribe, of his total income during the last preceding year.

Address to  
be stated.

(2) In such return the taxpayer shall state an address in Ontario to which all notices and other documents to be mailed or served under this Act may be mailed or served.

## PARTNERS AND PROPRIETORS OF BUSINESS

Partnership  
fiscal  
periods.

**34.** A member of a partnership or the proprietor of a business whose fiscal period or periods is other than the calendar year shall make a return of his income and have the tax payable computed upon the income from the business for the fiscal period or periods ending within the calendar year for which the return is being made, but his return of income derived from sources other than his business shall be made for the calendar year.

## GUARDIANS AND OTHER LEGAL REPRESENTATIVES

Return by  
guardian,  
legal repre-  
sentative,  
etc.

**36.**—(1) If a person is unable for any reason to make the return hereinbefore required, such return shall be made by the guardian, curator, tutor or other legal representative of such person, or if there is no such legal representative, by someone acting as agent for such person.

Deceased  
persons.

(2) In the case of the estate of any deceased person, the return shall be made by the executor, administrator or heir of such deceased person.

Treasurer's  
power.

(3) If there is no person to make a return under the provisions of this section, the return shall be made by such person as may be required by the Treasurer to make such return.



## TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

Trustees,  
assignees,  
executors,  
etc.,  
to make  
returns.

**37.** Every trustee in bankruptcy, assignee, liquidator, curator, receiver, administrator, heir, executor and such other like person or legal representative administering, managing, winding-up, controlling, or otherwise dealing with the property, business or estate of any person who has not made a return for any taxable period or for any portion of a taxable period for which such person was required to make a return in accordance with the provisions of this Act shall make such return.

## INFORMATION RETURNS

Returns by  
employers.

**39.—(1)** All employers shall make a return of all persons in their employ receiving any salary or other remuneration in excess of such an amount as the Treasurer may prescribe.

Returns of  
dividends,  
etc.

(2) All corporations and associations shall make a return of all dividends and bonuses paid to shareholders and members.

Returns of  
interest  
paid on fully  
registered  
bonds and  
debentures.

(2a) All debtors paying interest on any fully registered bonds or debentures shall make a return of all interest so paid.

Returns by  
agents.

(3) All persons and corporations in whatever capacity acting, having the control, receipt, disposal or payment of fixed or determinable annual or periodical gains, profits or income of any taxpayer, shall make and render a separate and distinct return to the Treasurer of such gains, profits or income, containing the name and address of each taxpayer.

Information  
returns.  
Last day of  
February.

(4) Such returns shall be delivered to the Treasurer on or before the last day of February in each year, without any notice or demand being made therefor, and in such form as the Treasurer may prescribe.

Information  
to be given  
as to  
payments.

(5) All persons and corporations in whatever capacity acting, making payment of interest, royalties, rents, annuities, compensation, remuneration or other fixed or determinable amounts, such as interest upon bonds, mortgages, deeds of trust or other similar obligations, and also payments under contracts, whether written or verbal, relating to the buying and selling and otherwise dealing in stocks, bonds, debentures, mortgages, hypothecs, and other similar securities, shall without any notice or demand being made therefor, render on such forms and at such times as the Treasurer may prescribe a true and accurate return of the amounts paid in excess of such sums as the Treasurer decides, together with the names and addresses of the recipients. For the purposes of this subsection payment shall include amounts credited to the creditor during the fiscal period of the debtor.







## EXTENSION OF TIME FOR RETURNS

Enlarging  
time for  
returns.

**40.** The Treasurer may at any time enlarge the time for making any return.

## DEMAND FOR ADDITIONAL INFORMATION

Demand for  
additional  
information.

**41.**—(1) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information or a return from any person or corporation who has not made a return, or a complete return, he may, by registered letter, demand from such person or corporation such information, additional information or return.

Thirty  
days' delay.

(2) Such person or corporation shall deliver to the Treasurer such information, additional information or return within thirty days from the date of mailing of such registered letter.

Compliance  
of Treasurer  
with Act  
to be  
proved by  
affidavit.

(3) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as default hereunder shall be sufficiently proved in any court of law by the affidavit of the Controller of Revenue, Commissioner of Income Tax or of any officer of the Treasury Department of the Province of Ontario.

Copy of  
letter.

(4) Such affidavit shall have attached thereto as an exhibit a copy or duplicate of the said letter.

## PRODUCTION OF DOCUMENTS

Production  
of letters,  
accounts,  
etc.

**42.** The Treasurer may require the production, or the production on oath, by the taxpayer or by his agent or officer, or by any person or corporation holding, or paying, or liable to pay, any portion of the income of any taxpayer, of any letters, accounts, invoices, statements and other documents.

Production  
of letters,  
books, etc.,  
by person,  
corporation  
or agent or  
officer  
to prove tax  
payable by  
another.

**43.** The Treasurer may require and demand the production, or the production on oath, by any person or corporation or the agent, or officer thereof, of any letters, accounts, invoices, statements financial or otherwise, books or other documents, held by such person, corporation, agent, or officer, for the purpose of arriving at the tax believed to be payable by any other person, and the same shall be produced within thirty days from the date of mailing of such demand.

## INFORMATION FROM RECIPIENTS OF INCOME

Persons in  
receipt of  
money, etc.,  
of another  
to produce  
information  
required.

**44.** Every person or corporation who, in whatever capacity acting is in receipt of any money, thing of value, or of profits, or gains arising from any source, of or belonging to any other



person shall, when required to do so by notice from the Treasurer, prepare and deliver to the Treasurer any information required, within thirty days from the date of the mailing of such notice.

#### INQUIRY AS TO INCOME OF ANY TAXPAYER

Inquiry as to income.

**45.** Any officer authorized thereto by the Treasurer may make such inquiry as he may deem necessary for ascertaining the income of any taxpayer, and for the purposes of such inquiry such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 20.

#### KEEPING OF BOOKS OR ACCOUNTS

Books or accounts must be kept.

**46.** If a taxpayer fails or refuses to keep adequate books or accounts for income tax purposes, the Treasurer may require the taxpayer to keep such records and accounts as he may prescribe.

#### RETURN OR INFORMATION NOT BINDING ON TREASURER

Treasurer not bound by return.

**47.** The Treasurer shall not be bound by any return or information supplied by or on behalf of a taxpayer, and notwithstanding such return or information, or if no return has been made, the Treasurer may determine the amount of the tax to be paid by any person.

### PART VI

#### PAYMENT OF TAX

##### INSTALMENT OF TAX WITH RETURN

One-quarter tax to be forwarded with return; balance may be paid by instalments with interest.

**48.—(1)** Every person liable to pay any tax under this Act shall send with the return of the income upon which such tax is payable not less than one-quarter of the amount of such tax, and may pay the balance, if any, of such tax, in not more than three equal bi-monthly instalments thereafter, together with interest at the rate of six per centum per annum upon each instalment from the last day prescribed for making such return to the time payment is made.

Payment to Receiver General.

**(2)** All taxes, interest and penalties shall be paid to the Receiver General of Canada for and on account of the Treasurer of Ontario.



# ADDITIONS TO THE TAX IN CASE OF DEFICIENCY

Penalty  
for short  
payment.

**49.** If any person liable to pay any tax under this Act pays as any instalment less than one-quarter of the tax as estimated by him, or should he fail to make any payment at the time of filing his return or at the time when any instalment should be paid, he shall pay, in addition to the interest at the rate of six per centum per annum provided by section forty-eight, additional interest at the rate of four per centum per annum upon the deficiency from the date of default to the date of payment.

## OBLIGATION OF TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

Fiduciaries  
to pay  
before  
distribution.

**50.** Every person or corporation who is required by section thirty-seven of this Act to make a return of income shall pay any tax and interest and penalties assessed and levied with respect to such income before making any distribution of the property, business or estate which he is administering, managing, winding-up or otherwise controlling or dealing with.

Fiduciaries  
to obtain  
certificate.

**51.—(1)** Every trustee in bankruptcy, assignee, administrator, executor and other like person, before distributing any assets under his control shall obtain a certificate from the Treasurer certifying that no unpaid assessment of income tax, interest and penalties properly chargeable against the person, property, business or estate, as the case may be, remains outstanding.

Personal  
liability.

(2) Distribution without such certificate shall render the trustee in bankruptcy, assignee, administrator, executor and other like person personally liable for the tax, interest and penalties.

## OVERPAYMENTS

Returns  
examined.

**53.—(1)** The returns received by the Treasurer shall with all due despatch be checked and examined.

Refund of  
over-  
payments.

(2) In all cases where such examination discloses that an overpayment has been made by a taxpayer the Treasurer shall make a refund of the amount so overpaid by such taxpayer, except in cases where any instalment or instalments are either due or falling due by such taxpayer, when the amount of the overpayment shall be applied on such instalment or instalments and notice of such action shall be given such taxpayer accompanied by the payment of the balance, if any, of the amount overpaid.







## PART VII

## ASSESSMENT

## NOTICE OF ASSESSMENT

Notice of  
assessment.

**54.**—(1) After examination of the taxpayer's return the Treasurer shall send a notice of assessment to the taxpayer verifying or altering the amount of the tax as estimated by him in his return.

Payment of  
additional  
tax.

(2) Any additional tax found due over the estimated amount shall be paid within one month from the date of the mailing of the notice of assessment.

Interest.

(3) If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by section forty-eight, interest at the rate of four per centum per annum, upon the said additional tax, from the expiry of the period of one month from the date of the mailing of the said notice to the date of payment.

## CONTINUATION OF LIABILITY FOR TAX

Continua-  
tion of  
liability  
for tax.

**55.** Notwithstanding any prior assessment, or if no assessment has been made, the taxpayer shall continue to be liable for any tax and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax, interest and penalties.

## REFUND OF OVERPAYMENT

Refund of  
overpayment  
to taxpayer.

**56.** The Treasurer may, at or prior to the issue of the notice of assessment, refund, without application therefor, any overpayment made by the taxpayer, or after the issue of the notice of assessment, provided application in writing is made therefor by the taxpayer within twelve months from the date of payment of the tax or the date at which the notice of assessment was issued.



## PART VIII

## APPEALS AND PROCEDURE

## NOTICE OF APPEAL

Notice of  
appeal.

**58.**—(1) Any person who objects to the amount at which he is assessed, or who considers that he is not liable to taxation under this Act, may personally or by his solicitor, within one month after the date of mailing of the notice of assessment provided for in section fifty-four of this Act, serve a notice of appeal upon the Treasurer or the Minister.

Notice in  
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer or the Minister.

Form of  
notice of  
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the Second Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

## REVIEW OF ASSESSMENT

Decision  
to affirm  
or amend  
assessment.

**59.** Upon receipt of the said notice of appeal the Treasurer or the Minister shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant of his decision by registered post.

## NOTICE OF DISSATISFACTION

Notice of  
dissatisfac-  
tion  
respecting  
the decision.

**60.**—(1) If the appellant, after receipt of the said decision, is dissatisfied therewith, he may, within one month from the date of the mailing of the said decision, mail to the Treasurer or the Minister by registered post, a notice entitled;

## THE INCOME TAX ACT OF ONTARIO, 1936

## NOTICE OF DISSATISFACTION

In re the appeal of ..... of the ..... of  
..... in the Province of .....  
stating that he desires his appeal to be set down for trial.

Statement  
with notice.

(2) The appellant shall forward therewith a final statement of such further facts, statutory provisions and reasons which he intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions



and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

#### SECURITY FOR COSTS

Security.

**61.**—(1) The party appealing shall thereupon give security for the costs of the appeal to the satisfaction of the Treasurer.

Proceedings  
voided.

(2) Unless such security is furnished by the party appealing within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

#### REPLY

Decision  
upon  
receipt of  
statement  
of facts.

**62.** Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

#### PROCEEDINGS IN COURT

Copy of  
documents  
to be filed.

**63.**—(1) Within two months from the date of the mailing of the said reply, the Treasurer or the Minister shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said court for the county or district in which the appellant resides or carries on business, to be filed in the said court, copies of the following documents:

- (a) The Income Tax Return of the appellant, if any, for the period under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

Matter  
deemed  
action.

(2) The matter shall thereupon be deemed to be an action in the said court and shall be set down for trial forthwith by the registrar or local registrar as the case may be and thereafter shall be proceeded with in the same manner as an action commenced in the said court, provided that the court or a





judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme  
Court  
practice to  
govern.

(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said court. *New.*

Title of  
cause.

**64.** All subsequent proceedings shall be entitled:

In re *The Income Tax Act of Ontario, 1936*, and the appeal of .....of.....in the Province of.....and notice and copies of all further proceedings shall be served upon the Treasurer or Minister.

Conditional  
limitation  
of evidence.

**65.**—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct.

(2) The court may refer the matter back to the Commissioner of Income Tax for further consideration.

Jurisdiction  
of court.

**66.** Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said court may seem right and proper.

Irregu-  
larities not  
to affect  
validity of  
assessment.

**67.** An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings  
in camera.

**68.** Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the court by any party to the proceedings.

Right of  
appeal  
barred.

**69.** If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the person assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.



## PART IX

## REMEDIES OF CROWN TO RECOVER TAXES, ETC.

## ACTIONS IN THE COURTS

Taxes a debt  
due the  
Crown.

**70.** All taxes, interest, penalties and costs assessed or imposed or ordered to be paid under the provisions of this Act, shall be deemed to be a debt due to His Majesty in right of the province of Ontario and shall be recoverable as such in the Supreme Court of Ontario or in any other court of competent jurisdiction in the name of His Majesty in right of the province of Ontario or in such other manner as is in this Act provided.

## COLLECTION FROM THE DEBTOR OF A TAXPAYER

Collection  
of tax from  
third party.

**72.—(1)** When the Treasurer or the Minister has knowledge or suspects that any person or corporation is or is about to become indebted to a taxpayer he may, by registered letter, demand of such person or corporation that the moneys otherwise payable to the taxpayer be in whole or in part, paid over to the Receiver General of Canada for and on account of the Treasurer of Ontario on account of said taxpayer's liability under the provisions of this Act.

Receipt  
to be a  
discharge.

(2) The receipt of the Treasurer or the Minister therefor shall constitute a good and sufficient discharge of the liability of such person or corporation to said taxpayer to the extent of the amount referred to in the receipt.

Personal  
liability.

(3) Any person or corporation discharging any liability to a taxpayer after receipt of the registered letter herein referred to shall be personally liable to the extent of the liability discharged as between him and the taxpayer or to the extent of the liability of the taxpayer for taxes, interest and penalties, whichever is the lesser amount.

## DISTRESS

Distress in  
default of  
payment.

**73.—(1)** If any person not having given notice of appeal neglects or refuses to pay any tax, interest or penalty or instalment of tax due under this Act, the Treasurer or the Minister, on giving ten days' notice by registered mail addressed to the last known place of residence of the taxpayer, may issue a certificate declaring said person to be in default and may authorize any person whom he deems proper upon receipt of such certificate to distrain the goods and chattels of the person so in default.





Sale of  
goods by  
auction.

(2) The distress levied in accordance with this section shall be kept for ten days at the cost and charges of the person neglecting or refusing to pay and if the person aforesaid does not pay the sum due, together with the costs and charges within the said ten days the goods and chattels distrained shall be sold by public auction.

Notice  
of sale.

(3) Except in the case of perishable goods, notice of such sale setting forth the time and place thereof together with a general description of the goods to be sold shall be published at least once in one or more of the local newspapers of general local circulation.

Return of  
surplus.

(4) Any surplus resulting from the distress after deduction of the amount owing by the taxpayer and all costs and charges shall be restored to the owner of the goods distrained.

#### COLLECTION FROM TAXPAYER LEAVING ONTARIO

Demand for  
payment if  
taxpayer  
is leaving  
Ontario.

**74.**—(1) The Treasurer or the Minister if he suspects that the taxpayer is about to leave Ontario may, for that or any other reason, by registered letter addressed to the taxpayer, demand payment of all taxes, penalties and accrued interest, for which the taxpayer is liable, and the same shall be paid within ten days from the date of mailing of such registered letter, notwithstanding any other provisions in this Act contained.

Seizure of  
goods upon  
non-  
payment.

(2) Non-payment of the said tax within the specified time shall render the goods of the taxpayer liable to seizure by the sheriff of the city, county or district in which the goods of the taxpayer are situate.

Certificate  
to authorize  
seizure.

(3) A certificate of non-compliance with any such demand signed by the Controller of Revenue or the Commissioner of Income Tax, setting forth the particulars of the demand and placed in the hands of the sheriff, shall be sufficient authority to him to seize sufficient of the goods of the taxpayer to meet the said demand.

Sale.

(4) The sale of such goods and the disposition of the moneys realized shall be conducted in the manner prescribed by the law of the province of Ontario as if the seizure were made under a writ of execution issued out of the Supreme Court of Ontario.





## PART X

## ADMINISTRATION

Adminis-  
tration by  
Treasurer.

**75.**—(1) The Treasurer shall have the administration of this Act and the control and management of the collection of the taxes imposed hereby and of all matters incident thereto, and of the officers and persons employed in that service.

Regulations  
to exercise  
authorized  
powers.

(2) The Treasurer may make any regulations deemed necessary for carrying this Act into effect and may thereby authorize the Minister, the Commissioner of Income Tax or the Controller of Revenue to exercise such of the powers conferred by this Act upon the Treasurer, as may, in the opinion of the Treasurer, be conveniently exercised by the Controller of Revenue or the Commissioner of Income Tax.

Appoint-  
ment of  
officers to  
administer  
Act  
and their  
salaries.

**76.**—(1) The Lieutenant-Governor in Council may from time to time appoint officers and other persons to carry out this Act or any Order-in-Council or regulations made hereunder.

(2) The Lieutenant-Governor in Council may assign the names of office of such officers and other persons, and prescribe such salaries or pay for their services and responsibilities as he deems necessary and reasonable, and may appoint the times and manner in which the same shall be paid.

(3) The Lieutenant-Governor in Council may authorize the Treasurer to enter into an agreement with the Minister whereby any or all of the powers and duties conferred and imposed upon the Treasurer and the Controller of Revenue, under this Act, may be delegated to the Minister and the Commissioner of Income Tax respectively for the purpose of carrying out and administering the provisions of this Act and such agreement may provide that any or all of the powers and duties so delegated shall be exercised and performed by the person to whom they are delegated in the place and stead of the person upon whom such powers and duties are by this Act conferred and imposed, notwithstanding any of the provisions of this Act, and the provisions of such agreement shall have the same force and effect as though contained in this Act, and the Lieutenant-Governor in Council may authorize the Treasurer to defray such expenses incurred by the Government of Canada in the carrying out of the provisions of this Act as the Treasurer and the Minister may agree.

(4) The Lieutenant-Governor in Council may by proclamation declare that any or all of the provisions of any amend-



ment to the *Income War Tax Act* (Canada) which may hereafter be enacted by the Parliament of Canada, shall be applicable, *mutatis mutandis*, to this Act and form part of and have the same force and effect as if contained in this Act and every such proclamation shall be laid before the Assembly within fourteen days, if the Legislature is in Session, and if it is not in Session then within the first thirty days of the ensuing Session.

## PART XI

### OFFENCES AND PENALTIES

Penalty  
for failure  
to file  
return  
under  
Section 33.

**77.**—(1) Every person failing to deliver a return pursuant to the provisions of section thirty-three within the time limited therefor shall be liable to a penalty of five per centum of the tax payable by such person: Provided, however, that such penalty shall not in any case exceed five hundred dollars.

Other  
returns.

(2) Every person or corporation failing to deliver a return pursuant to the provisions of sections thirty-six to thirty-nine inclusive, within the time limited therefor, shall be liable to a penalty of ten dollars for each day of default: Provided, however, that such penalty shall not in any case exceed fifty dollars.

Employers.

(3) In the case of a return by an employer required by subsection one of section thirty-nine of this Act, the penalty shall be further limited to two dollars for every day of default with a maximum of fifty dollars.

Returns  
to be  
completed.

(4) Every person failing to complete the information required on the prescribed forms for reporting income as required by section thirty-three of this Act, shall be liable to a penalty of one per centum of the tax payable by such person; Provided, however, that such penalty shall not in any case be less than one dollar and shall not in any case exceed twenty dollars.

Time of  
default in  
filing  
returns  
extended  
in the case of  
religious  
institutions  
and others.

**78.** In the case of religious, charitable, agricultural and educational institutions and boards of trade and chambers of commerce, default shall not be deemed to have commenced until the expiry of thirty days from the date of the mailing of a demand for a return.

Default in  
complying  
with  
provisions  
of  
Secs. 41-46.

**79.** For every default in complying with the provisions of sections forty-one to forty-six inclusive, the persons or corporations in default shall each be liable on summary conviction to a penalty of not less than twenty-five dollars for each day during which the default continues.





False state-  
ment in any  
returns, etc.

**80.**—(1) Any person making a false statement in any return whether or not such return is made voluntarily or in compliance with a demand therefor, or in any information required by the Treasurer or the Minister shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or six months' imprisonment, or to both fine and imprisonment.

Information  
or complaint  
within  
three years.

(2) Any information or complaint with respect to any offence against the provisions of this Act may be laid or made within three years from the time when the matter of the information or complaint arose.

Secrecy.

**81.**—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding two hundred dollars.

Information  
to be laid.

**82.** Any information or complaint under this Act may be laid or made by any person authorized thereunto by the Treasurer or the Minister.

Omitted  
income  
doubled.

**83.**—(1) If any person omits to declare any dividends, rentals, interest, royalties or other like income which, on any inquiry or on information obtained from any person other than the taxpayer, is subsequently duly ascertained to have been received, such person may be assessed as if double the income so omitted from his return had been received.

Estate of  
deceased  
taxpayer.

(2) The estate of a deceased taxpayer shall be liable in respect of any tax arising by reason of any omission so ascertained whether the omission was discovered prior or subsequent to the decease of the taxpayer.

Penalty  
not in sub-  
stitution.

(3) This section shall not be construed as providing for a penalty in substitution for any penalties otherwise provided for in this Act.

Other  
penalties.

**84.**—(1) Any person violating any of the provisions of this Act for which no other penalty is provided shall be liable on summary conviction to a penalty not exceeding one thousand dollars.

Application  
of Rev.  
Stat., c. 121.

(2) The penalties imposed by subsections 2 and 3 of section 77 and sections 79, 80, 81 and 84, may be recovered





under *The Summary Convictions Act* and shall be payable to the Receiver General of Canada for and on account of the Treasurer of Ontario.

Commence-  
ment of Act.

**85.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be applicable to the incomes of the year 1935 and all fiscal periods ending therein and to the incomes of all subsequent years and fiscal periods.



## FIRST SCHEDULE

Rates  
applicable  
to all  
individuals.

## A.—Rates of tax applicable

On the first \$1,000 of Net Income or any portion thereof in excess of Exemptions  $1\frac{1}{2}$  per centum or

- \$15. upon Net Income of \$1,000; and 2 per centum upon the amount by which the Income exceeds \$1,000 and does not exceed \$2,000 or
- \$35. upon Net Income of \$2,000; and  $2\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$2,000 and does not exceed \$3,000 or
- \$60. upon Net Income of \$3,000; and 3 per centum upon the amount by which the Income exceeds \$3,000 and does not exceed \$4,000 or
- \$90. upon Net Income of \$4,000; and  $3\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$4,000 and does not exceed \$5,000 or
- \$125. upon Net Income of \$5,000; and 4 per centum upon the amount by which the Income exceeds \$5,000 and does not exceed \$6,000 or
- \$165. upon Net Income of \$6,000; and  $4\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$6,000 and does not exceed \$7,000 or
- \$210. upon Net Income of \$7,000; and 5 per centum upon the amount by which the Income exceeds \$7,000 and does not exceed \$8,000 or
- \$260. upon Net Income of \$8,000; and  $5\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$8,000 and does not exceed \$9,000 or
- \$315. upon Net Income of \$9,000; and 6 per centum upon the amount by which the Income exceeds \$9,000 and does not exceed \$10,000 or
- \$375. upon Net Income of \$10,000; and  $6\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$10,000 and does not exceed \$11,000 or
- \$440. upon Net Income of \$11,000; and 7 per centum upon the amount by which the Income exceeds \$11,000 and does not exceed \$12,000 or
- \$510. upon Net Income of \$12,000; and  $7\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$12,000 and does not exceed \$13,000 or
- \$585. upon Net Income of \$13,000; and 8 per centum upon the amount by which the Income exceeds \$13,000 and does not exceed \$14,000 or
- \$665. upon Net Income of \$14,000; and  $8\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$14,000 and does not exceed \$15,000 or
- \$750. upon Net Income of \$15,000; and 9 per centum upon the amount by which the Income exceeds \$15,000 and does not exceed \$16,000 or



- \$840. upon Net Income of \$16,000; and  $9\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$16,000 and does not exceed \$17,000 or
- \$935. upon Net Income of \$17,000; and 10 per centum upon the amount by which the Income exceeds \$17,000 and does not exceed \$18,000 or
- \$1,035. upon Net Income of \$18,000; and  $10\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$18,000 and does not exceed \$19,000 or
- \$1,140. upon Net Income of \$19,000; and 11 per centum upon the amount by which the Income exceeds \$19,000 and does not exceed \$20,000 or
- \$1,250. upon Net Income of \$20,000; and  $11\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$20,000 and does not exceed \$25,000 or
- \$1,825. upon Net Income of \$25,000; and 12 per centum upon the amount by which the Income exceeds \$25,000 and does not exceed \$30,000 or
- \$2,425. upon Net Income of \$30,000; and  $12\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$30,000 and does not exceed \$35,000 or
- \$3,050. upon Net Income of \$35,000; and 13 per centum upon the amount by which the Income exceeds \$35,000 and does not exceed \$40,000 or
- \$3,700. upon Net Income of \$40,000; and  $13\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$40,000 and does not exceed \$45,000 or
- \$4,375. upon Net Income of \$45,000; and 14 per centum upon the amount by which the Income exceeds \$45,000 and does not exceed \$50,000 or
- \$5,075. upon Net Income of \$50,000; and  $14\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$50,000 and does not exceed \$55,000 or
- \$5,800. upon Net Income of \$55,000; and 15 per centum upon the amount by which the Income exceeds \$55,000 and does not exceed \$60,000 or
- \$6,550. upon Net Income of \$60,000; and  $15\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$60,000 and does not exceed \$65,000 or
- \$7,325. upon Net Income of \$65,000; and 16 per centum upon the amount by which the Income exceeds \$65,000 and does not exceed \$70,000 or
- \$8,125. upon Net Income of \$70,000; and  $16\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$70,000 and does not exceed \$75,000 or
- \$8,950. upon Net Income of \$75,000; and 17 per centum upon the amount by which the Income exceeds \$75,000 and does not exceed \$80,000 or
- \$9,800. upon Net Income of \$80,000; and  $17\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$80,000 and does not exceed \$85,000 or
- \$10,675. upon Net Income of \$85,000; and 18 per centum upon the amount by which the Income exceeds \$85,000 and does not exceed \$90,000 or





- \$11,575. upon Net Income of \$90,000; and  $18\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$90,000 and does not exceed \$95,000 or
- \$12,500. upon Net Income of \$95,000; and 19 per centum upon the amount by which the Income exceeds \$95,000 and does not exceed \$100,000 or
- \$13,450. upon Net Income of \$100,000; and  $19\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$100,000 and does not exceed \$110,000 or
- \$15,400. upon Net Income of \$110,000; and 20 per centum upon the amount by which the Income exceeds \$110,000 and does not exceed \$120,000 or
- \$17,400. upon Net Income of \$120,000; and  $20\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$120,000 and does not exceed \$130,000 or
- \$19,450. upon Net Income of \$130,000; and 21 per centum upon the amount by which the Income exceeds \$130,000 and does not exceed \$140,000 or
- \$21,550. upon Net Income of \$140,000; and  $21\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$140,000 and does not exceed \$150,000 or
- \$23,700. upon Net Income of \$150,000; and 22 per centum upon the amount by which the Income exceeds \$150,000 and does not exceed \$175,000 or
- \$29,200. upon Net Income of \$175,000; and  $22\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$175,000 and does not exceed \$200,000 or
- \$34,825. upon Net Income of \$200,000; and 23 per centum upon the amount by which the Income exceeds \$200,000 and does not exceed \$225,000 or
- \$40,575. upon Net Income of \$225,000; and  $23\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$225,000 and does not exceed \$250,000 or
- \$46,450. upon Net Income of \$250,000; and 24 per centum upon the amount by which the Income exceeds \$250,000 and does not exceed \$275,000 or
- \$52,450. upon Net Income of \$275,000; and  $24\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$275,000 and does not exceed \$300,000 or
- \$58,575. upon Net Income of \$300,000; and 25 per centum upon the amount by which the Income exceeds \$300,000 and does not exceed \$325,000 or
- \$64,825. upon Net Income of \$325,000; and  $25\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$325,000 and does not exceed \$350,000 or
- \$71,200. upon Net Income of \$350,000; and 26 per centum upon the amount by which the Income exceeds \$350,000 and does not exceed \$375,000 or
- \$77,700. upon Net Income of \$375,000; and  $26\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$375,000 and does not exceed \$400,000 or



- \$84,325. upon Net Income of \$400,000; and 27 per centum upon the amount by which the Income exceeds \$400,000 and does not exceed \$450,000 or
- \$97,825. upon Net Income of \$450,000; and 27½ per centum upon the amount by which the Income exceeds \$450,000 and does not exceed \$500,000 or
- \$111,575. upon Net Income of \$500,000; and 28 per centum upon the amount by which the Income exceeds \$500,000.

## SECOND SCHEDULE

In re *The Income Tax Act of Ontario, 1936*, and .....  
 Name of Taxpayer  
 of the ..... of ..... (address)  
 Province of .....  
*Appellant*

Notice of Appeal is hereby given from the assessment bearing date the.....day of .....19.... wherein a tax in the sum of \$.....levied in respect of income for the taxation year 19....

Then follow with,—

1. Full statement of facts;
2. Full statement of reasons for appeal.

Dated this.....day of.....19.....  
.....  
(Signature)



An Act to authorize the Levying of a  
Tax upon certain Incomes.

*1st Reading*

February 11th, 1936

*2nd Reading*

*3rd Reading*

MR. LEDUC

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to authorize the Levying of a Tax upon certain Incomes.

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MR. LEDUC

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No. 51

1936

# BILL

An Act to authorize the Levying of a Tax upon certain Incomes.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## SHORT TITLE

- Short title.      1. This Act may be cited as *The Income Tax Act of Ontario, 1936.*

## INTERPRETATION

- Interpretation.      2. In this Act, and in any regulations made hereunder, unless the context otherwise requires,

- |  |  |
|--|--|
| <p>"Commissioner of Income Tax."<br/>R.S.C., c. 137.</p> | <p>(a) "Commissioner of Income Tax" means the officer appointed by the Governor in Council pursuant to the provisions of the <i>Department of National Revenue Act</i> (Canada);</p>   |
| <p>"Dividends."</p>                                      | <p>(b) "dividends" shall include stock dividends;</p>  |
| <p>"Employed in Ontario."</p>                            | <p>(c) "employed in Ontario" means regularly or continuously employed to perform personal services, any part of which is performed in Ontario, for salary, wages, commissions, fees or other remuneration, whether directly or indirectly received, derived from sources within Ontario;</p> |
| <p>"Controller of Revenue."</p>                          | <p>(d) "Controller of Revenue" means the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;</p>  |
| <p>"Gross Revenue."</p>                                  | <p>(e) "gross revenue" (where a personal corporation has revenue from more than one source) means the sum of the net profits from each source;</p>   |
| <p>"Treasurer."</p>                                      | <p>(f) "Treasurer" means the Treasurer of Ontario;</p>   |
| <p>"Minister."</p>                                       | <p>(g) "Minister" means the Minister of National Revenue appointed under the provisions of the <i>Department of National Revenue Act</i> (Canada);</p>   |



- "Person" (h) "person" includes any association, trust, personal corporation or other body, and the heirs, executors, administrators and curators or other legal representatives of such person, according to the law of Ontario; but does not include any body corporate except a personal corporation;
- "Personal corporation." (i) "personal corporation" means a corporation or joint stock company, irrespective of when or where created, whether in Ontario or elsewhere, and irrespective of where it carries on its business or where its assets are situate, controlled, directly or indirectly, by one individual who resides in Ontario, or by one such individual and his wife or any member of his family, or by any combination of them or by any other person or corporation or any combination of them on his or their behalf, and whether through holding a majority of the stock of such corporation or in any other manner whatsoever, the gross revenue of which is to the extent of one-quarter or more derived from one or more of the following sources, namely:—
- (i) From the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property,
  - (ii) From the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or
  - (iii) From or by virtue of any right, title or interest in or to any estate or trust;
- "Self-contained domestic establishment." (j) "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence, containing at least two bedrooms, in which residence amongst other things the taxpayer as a general rule sleeps and has his meals prepared and served;
- "Taxpayer." (k) "taxpayer" means any person paying, liable to pay, or believed by the Treasurer to be liable to pay, any tax imposed by this Act;
- "Year." (l) "year" means the calendar year or such other period of time as the context may require;
- "Corporation." (m) "corporation" means a corporation and an association however or wherever incorporated.



## PART I

## TAXABLE INCOME

## TAXABLE INCOME DEFINED

"Income."

3. For the purposes of this Act, "income" means the annual net profit or gain or gratuity, whether ascertained and capable of computation as being wages, salary, or other fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment, or from any profession or calling, or from any trade, manufacture or business, as the case may be, whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent; and
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon the surrender of the contract; and
- (c) any payment to any employee out of any employees' superannuation or pension fund or plan; and
- (d) the salaries, indemnities or other remuneration of
  - (i) members of the Senate and House of Commons of Canada and officers thereof;
  - (ii) members of the Legislative Assembly of Ontario;
  - (iii) members of Municipal Councils, Commissions or Boards of Management;
  - (iv) any Judge of any Dominion or Provincial court whose salary was increased by chapter fifty-nine of the Statutes of Canada of one thousand nine hundred and nineteen or by chapter fifty-six of the Statutes of Canada of one





thousand, nine hundred and twenty and who accepted such increase, and any Judge of any such Court appointed after the seventh day of July, one thousand, nine hundred and nineteen; and

- (v) all persons, whatsoever, whether the said salaries, indemnities or other remuneration are paid out of the revenue of His Majesty in respect of His Government of Canada, or of any province thereof, or by any person, except as herein otherwise provided; and
- (e) personal and living expenses when such form part of the profit, gain or remuneration of the taxpayer;
- (f) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that the same are payable on account of the use or sale of any such property.

## PART II

### EXEMPTIONS AND DEDUCTIONS

#### EXCEPTED INCOMES

Incomes  
not liable  
to tax.

4. The following incomes shall not be liable to taxation hereunder:—

Governor-  
General.

- (a) The income of the Governor-General of Canada;

Consuls-  
General.

- (b) The income of consuls and consuls-general and of officials or officers of a foreign country whose duties require them to reside in Ontario, if and only if they are citizens of the country they represent and are not engaged in any business or calling other than the duties appertaining to their official position and provided that the country they represent grants a similar exemption to officials of the Government of Canada;

British  
officials.

- (c) The income of officials of Great Britain, of the Dominions, other than the Dominion of Canada, and of Great Britain's colonies whose duties require them to reside in Ontario, and who are not engaged in any business or calling other than the duties appertaining to their official position;



Municipal  
undertaking.

- (d) The income of any commission or association not less than ninety per centum of the capital of which is owned by a province or a municipality;

Charitable  
institutions.

- (e) The income of any religious, charitable, agricultural and educational institution, board of trade and chamber of commerce, no part of the income of which inures to the personal profit of, or is paid or payable to any proprietor thereof;

Labour  
organiza-  
tions.

- (f) The income of labour organizations and societies and of benevolent and fraternal beneficiary societies and orders;

Clubs.

- (h) The income of clubs, societies and associations, organized and operated solely for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the benefit of any member;

Farmers'  
associations.

- (i) The income of such insurance, mortgage and loan associations operated entirely for the benefit of farmers as are approved by the Treasurer;

Co-opera-  
tive com-  
panies and  
associations.

- (p) The income of farmers', dairymen's, livestockmen's, fruit growers', poultrymen's, fishermen's and other like co-operative associations, organized and operated on a co-operative basis, which organizations

(a) market the products of the members of such co-operative organizations under an obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less necessary expenses and reserves;

(b) purchase supplies and equipment for the use of such members under an obligation to turn such supplies and equipment over to them at cost, plus necessary expenses and reserves.

Such associations may market the produce of, or purchase supplies and equipment for non-members of the association provided the value thereof does not exceed twenty per centum of the value of produce, supplies or equipment marketed or purchased for the members.

This exemption shall extend to associations owned or controlled by such co-operative associations and organized for the purpose of financing their operations.



- (q) The income of any banking institution organized under co-operative provincial legislation which derives its revenues from loans made primarily to members residing within the territorial limits within the province to which the institution is restricted for the carrying on of its business;
- (r) The income of members of the Senate and House of Commons of Canada whose usual place of residence is outside of Ontario.

#### DEDUCTIONS AND EXEMPTIONS ALLOWED

**Exemptions and deductions.**     **5.—**(1) "Income" as hereinbefore defined shall, for the purposes of this Act, be subject to the following exemptions and deductions:—

**Depreciation and exhaustion.**

- (a) Such reasonable amount as the Treasurer in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; provided, however, that when depreciation and exhaustion allowances cease under the *Income War Tax Act* (Canada) they shall also cease under this Act;

**Depletion between lessor and lessee.**

And in the case of leases of mines, oil and gas wells and timber limits, the lessor and the lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer shall have full power to apportion the deduction between them and his determination shall be conclusive;

**Interest on borrowed capital.**

- (b) Such reasonable rate of interest on borrowed capital used in the business to earn the income as the Treasurer in his discretion may allow notwithstanding the rate of interest payable by the taxpayer, but to the extent that the interest payable by the taxpayer is in excess of the amount allowed by the Treasurer hereunder, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

- (c) Two thousand dollars in the case of

**Married person.**

- (i) A married person;

**Widow or widower with dependent child.**

- (ii) A widow or widower with a son or daughter under twenty-one years of age who is depend-







ent upon such parent for support, or if twenty-years of age or over is likewise dependent on account of mental or physical infirmity;

Person maintaining self-contained domestic establishment and supporting therein a relative.

- (iii) An individual who maintains a self-contained domestic establishment and who actually supports therein one or more individuals connected with him by blood relationship, marriage or adoption;

Clergyman maintaining self-contained domestic establishment.

- (iv) A minister or clergyman in charge of a diocese, congregation or parish, whose duties require him to maintain at his own and sole expense a self-contained domestic establishment and who employs therein on full time a house-keeper or servant;

Other persons.

- (d) One thousand dollars in the case of all other persons; and

Dependent children and grand-children.

- (e) Four hundred dollars for each child or grandchild (except one such child or grandchild on whose account the taxpayer is entitled to exemption under paragraphs (c) (ii) or (c) (iii) hereof) of the taxpayer, under twenty-one years of age and dependent upon the taxpayer for support or twenty-one years of age or over and likewise dependent on account of mental or physical infirmity;

Travelling expenses.

- (f) Travelling expenses, including the entire amount expended for meals and lodgings, while away from home in the pursuit of a trade or business;

Deductions for super-annuation or pension fund.

- (g) Any part of the remuneration of a taxpayer retained by his employer in connection with an employee's superannuation or pension fund or plan;

Election for pension fund income exemption.

- (h) In case of a trust established in connection with, or a corporation incorporated for the administration of an employees' superannuation or pension fund or plan, the income from the investment of the super-annuation or pension funds shall be exempt if the trustee or corporation so elects. In such event the exemption provided for by the next preceding paragraph shall not be allowed but any payment to an employee out of the fund shall, notwithstanding anything contained in this Act, be exempt according to the proportion that the sum of the amounts paid by the employee into the fund after the effective date of the election bears to the total amount paid by him into the fund;



Election shall be effected by writing, signed by the trustee or corporation in control of the fund.

Notwithstanding the date of election, the Treasurer shall have full power to determine from what date the election shall take effect.

Dependent  
relatives.

- (i) The amount not exceeding four hundred dollars actually expended by a taxpayer for the support of each of the following persons (except one such person on whose account the taxpayer is entitled to exemption under paragraph (c) (iii) hereof) who are dependent upon him for support;

(a) A parent or grandparent dependent on account of mental or physical infirmity;

(b) A brother or sister under twenty-one years of age or twenty-one years of age or over if dependent on account of mental or physical infirmity;

Charitable  
donations

- (j) The amount allowed as an exemption, by way of charitable donation, under the *Income War Tax Act* (Canada) for the corresponding period;

\$1,200.00  
of annuity  
exempt.

- (k) Twelve hundred dollars only, being income derived from annuity contracts with the Government of Canada or like annuity contracts issued by any Provincial Government, or any company incorporated or licensed to do business in Canada;

Provided that, in the case of a husband and wife each having annuity income, the exemption herein provided shall not exceed twelve hundred dollars between them in respect of such annuity income and the exemption may be taken by either the husband or the wife or apportioned between them by agreement or by the Treasurer;

And provided, further, that the income arising out of annuity contracts entered into prior to the 26th of May, 1932, shall continue to be exempt as theretofore provided by section three of chapter twenty-four of the Statutes of Canada for 1930;

And provided, further, that where a husband purchases an annuity for his wife or a wife for her husband, the income therefrom shall be taxed as income of the purchaser;



And provided further that annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of this Act.

The decision of the Treasurer in respect of any question arising under paragraphs (i), (j) and (k) hereof shall be final and conclusive.

Succession  
duty  
interest.

(l) Interest paid in respect of Succession Duties or inheritance taxes.

Dominion  
Income Tax.

(m) The tax payable under the *Income War Tax Act* (Canada) in respect of the income of the year; provided, however, that such tax paid or payable by any non-resident person carrying on business in Ontario shall be that portion of the tax payable under the *Income War Tax Act* (Canada) which the Commissioner of Income Tax may determine arises by reason of the business done in Ontario.

Incomes of  
husband  
and wife.

(2) Where a husband and wife have each a separate income in excess of one thousand dollars, whether taxable or not, each shall receive an exemption of one thousand dollars in lieu of the exemption set forth in paragraph (c) of subsection one.

Exemption  
for  
dependent  
children;  
who may  
take.

(3) The exemption for any dependent child may be taken by either parent under arrangement between themselves; and in the event of any dispute arising between them the said exemption shall be allowed to the father of the said child.

#### DEDUCTIONS FROM INCOME NOT ALLOWED

Deductions  
not  
allowed.

6.—(1) In computing the amount of the profits or gains to be assessed, a deduction shall not be allowed in respect of

Expenses  
not laid  
out to  
earn  
income.

(a) disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose of earning the income;

Capital  
out-lays or  
losses, etc.

(b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual  
value of  
property.

(c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business to earn the income subject to taxation;







Reserves,  
contingent  
accounts  
or sinking  
funds.

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act;

Carrying  
charges.

- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling;

Personal  
expenses.

- (f) personal and living expenses;

Application  
of carrying  
charges.

- (h) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income;

Losses  
sustained  
abroad.

- (j) net losses sustained in any taxation period in the United Kingdom of Great Britain and Northern Ireland or any of the British Dominions (other than Canada) or any British possession or dependency, or in any foreign country, after the taxpayer has in respect of any such period once elected to claim and has received, reciprocal tax relief under the *Income War Tax Act* (Canada) for taxes paid to any such country in respect of profits earned therein.

Limitation  
of certain  
expenses  
charged  
against  
profits.

- (2) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus or commission which in his opinion is in excess of what is reasonable for the services performed.

Income tax  
paid in any  
portion of  
British  
Empire  
or in any  
foreign  
country.

8.—(1) A taxpayer shall be entitled to deduct from the tax that would otherwise be payable by him under this Act,

- (a) the amount paid to Great Britain or any of its self-governing colonies or dependencies for income tax in respect of the income of the taxpayer derived from sources therein; and
- (b) the amount paid to any foreign country for income tax in respect of the income of the taxpayer derived from sources therein, if such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Canada.

Limit of  
deduction.

- (2) Such deduction shall not at any time exceed the amount of tax which would otherwise be payable under the provisions



of this Act, in respect of the said income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

Evidence  
by taxpayer.

(3) Any such deduction shall be allowed only if the taxpayer furnishes satisfactory evidence showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

Non-resident  
Canadian  
officials  
allowance.

(4) A Minister, High Commissioner, officer, servant or employee of the Government of Canada or an agent general for any of the provinces of Canada, or any officer, servant or employee thereof, resident outside of Canada, shall be entitled to deduct from the tax that would otherwise be payable by him under this Act the amount paid as income tax to the government of the country in which he resides.

### PART III

#### CHARGING PROVISIONS

##### PERSONS TAXABLE

Persons  
liable to  
income tax

9. There shall be assessed, levied and paid upon the income during the preceding year of every person

- (a) residing or ordinarily resident in Ontario during such year; or
- (b) who sojourns in Ontario for a period or periods amounting to one hundred and eighty-three days during such year; or
- (c) who is employed in Ontario during such year; or
- (d) who, not being resident in Ontario, is carrying on business in Ontario during such year; or
- (e) who, not being resident in Ontario, derives income for services rendered in Ontario during such year, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business or corporation carrying on business in Ontario; or
- (f) who, before his appointment was a resident of Ontario and is now or was during such year or any part thereof or hereafter becomes a Minister, High Commissioner, officer, servant or employee of the Government of Canada, or an agent general for any of the provinces of Canada, or any officer,



servant or employee thereof, resident\* outside of Canada, except upon income arising from his official position,

a tax at the rates set forth in the First Schedule of this Act upon the amount of income in excess of the exemptions provided in this Act.

## PART IV.

### SPECIAL PROVISIONS RELATING TO THE INCIDENCE OF THE TAX

#### INCOME FROM CHIEF BUSINESS

Income from chief occupation.

**10.—(1)** In any case the income of a taxpayer shall be deemed to be not less than the income derived from his chief position, occupation, trade, business or calling.

Which is chief occupation.

(2) Where a taxpayer has income from more than one source by virtue of filling or exercising more than one position, occupation, trade, business or calling, the Treasurer shall have full power to determine which one or more, or which combination thereof shall, for the purpose of this Act, constitute the taxpayers' chief position, occupation, trade, business or calling, and the income therefrom shall be taxed accordingly.

Final determination

(3) The determination of the Treasurer exercised pursuant hereto shall be final and conclusive.

#### INCOME FROM ESTATES AND TRUSTS

Income from an estate or accumulating in trust.

**11.—(1)** The income, for any taxation period, of a beneficiary of any estate or trust of whatsoever nature shall be deemed to include all income accruing to the credit of the taxpayer whether received by him or not during such taxation period.

Trusts for unascertained person.

(2) Income accumulating in trust for the benefit of unascertained persons, or of persons with contingent interests shall be taxable in the hands of the trustee or other like person acting in a fiduciary capacity, as if such income were the income of a person, provided that he shall not be entitled to the exemptions provided by paragraphs (c), (d), (e) and (i) of subsection one of section five of this Act.

Accruals to date of death.

(3) In determining the taxable income of deceased persons, interest, rents, royalties, annuities and other income payable periodically shall be deemed to have accrued by equal daily







increment during and within the period for or in respect of which such income arose and shall be apportionable in respect of the period of time accordingly and that portion accrued to the date of death shall be taxed as income of the deceased.

**Dividends.** (4) Dividends received by an estate or trust and capitalized shall be taxable income of the estate or trust.

**Life beneficiaries.** (5) Any amount paid by an estate or trust for the upkeep, maintenance and taxes of any property which, under the terms of the will or trust is required to be maintained for the use of any tenant for life, and which in any case is in excess of such an amount as the Treasurer may prescribe, shall be deemed to be taxable income received by such tenant for life.

#### DIVIDENDS

**Taxable in year paid.** 12.—(1) Dividends or shareholders' bonuses shall be taxable income of the taxpayer in the year in which they are paid or distributed.

**Payments on income bonds or income debentures.** (2) For the purpose of this Act any annual amount received in respect of an income bond or income debenture shall be deemed to be a dividend.

#### UNDIVIDED PROFITS OF CORPORATION

**Undistributed profits of corporations.** 13. In the case of any corporation which has undivided or undistributed profits, if the Treasurer is of opinion that the accumulation of such profits is in excess of what is reasonably required for the purposes of the business, he may notify the corporation by registered letter of the amount of such accumulation which he considers excessive, and if such amount is not distributed during the fiscal period of the corporation in which notice is given, the shareholders shall be deemed to have received such amount of profits as a dividend on the last day of the said fiscal period and shall be taxable accordingly.

#### INDIRECT DISTRIBUTION OF SURPLUS

**Indirect distribution of surplus.** 14. Where a person owning shares of a corporation transfers such shares or a portion thereof to a second corporation acting as his agent, trustee or attorney or promoted at his instance or controlled by him, which second corporation subsequently receives a dividend from the first-mentioned corporation and applies the income thus received, in whole or in part, directly or indirectly

(a) in payment of the shares purchased by the second corporation from such person;

(b) in the discharge of any liability incurred to such person by reason of and in connection with the purchase of such shares; or



- (c) in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person shall be taxable in respect of such dividend as if he had received it in the year that the first-mentioned corporation declared the dividend.

#### CAPITALIZATION OF UNDISTRIBUTED INCOME

Corporate surplus taxable to shareholder on capitalization.

**15.** When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected.

#### CAPITAL STOCK REDUCTIONS OR REDEMPTIONS

Capital stock reductions.

**16.—(1)** Where a corporation having undistributed income on hand reduces or redeems any class of the capital stock or shares thereof the amount received by any shareholder by virtue of the reduction shall, to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time of such reduction, be deemed to be a dividend and to be income received by such shareholder.

Application.

(2) The provisions of this section shall not apply to any class of stock which, by the instrument authorizing the issue of such class, is not entitled on being reduced or redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend nor to a reduction of capital effected before the sixteenth day of April, one thousand nine hundred and twenty-six.

#### REDEMPTION OF SHARES AT PREMIUM

Premiums Taxable.

**17.** Where a corporation redeems its shares at a premium, the premium shall be deemed to be a dividend and to be income received by the shareholder.

#### LOANS TO SHAREHOLDERS

Loans to shareholders.

**18.—(1)** For the purposes of this Act, any loan or advance by a corporation, or appropriation of its funds to a share-





holder thereof, other than a loan or advance incidental to the business of the corporation shall be deemed to be a dividend to the extent that such corporation has on hand undistributed income and such dividend shall be deemed to be income received by such shareholder in the year in which made.

**Application.** (2) This section shall not apply to a loan or advance made by a corporation lawfully empowered to make loans to its shareholders.

#### DISTRIBUTION ON WINDING-UP OR REORGANIZATION

Surplus  
distribution  
taxable.

**19.** On the winding-up, discontinuance or reorganization of the business of any incorporated company, the distribution in any form of the property of the company shall be deemed to be the payment of a dividend to the extent that the company has on hand undistributed income.

When  
surplus  
distribution  
not taxable.

Provided, however, that this section shall not apply to the distribution of the property of a private investment holding company to the extent that its undistributed income is made up of income from British and foreign securities and interest bearing securities of Canadian debtors when the business of such holding company is and has been carried on in Ontario, and all of its shares (less directors' qualifying shares) are and have been beneficially owned since its incorporation by a non-resident individual, or by such an individual and his wife or any member of his family, or by any combination of them. In determining the extent to which the undistributed income of any such private investment holding company on hand at the date of winding-up is made up of income received by way of dividends from Canadian companies, all dividends or disbursements of such holding company which have been paid or made prior to the date of winding-up shall be deemed to have been paid out of income received from British and foreign securities and interest bearing securities of Canadian debtors.

Undis-  
tributed  
income  
deemed  
to be  
reduced.

**20.** The undistributed income of a corporation shall, for the purposes of sections fifteen, sixteen, seventeen, eighteen and nineteen, be deemed to be reduced by the amount deemed to be received by the shareholders as a dividend by virtue of the provisions of the said sections fifteen, sixteen, seventeen, eighteen and nineteen.

#### PERSONAL CORPORATIONS

Income of  
personal  
corporation  
distributed.

**21.—(1)** The income of a personal corporation, whether the same is actually distributed or not, shall be deemed to be distributed on the last day of each year as a dividend to the





shareholders, and the said shareholders shall be taxable each year as if the same had been distributed in the proportions hereinafter mentioned.

Shareholder's taxable portion

(2) Each shareholder's taxable portion of the income of the corporation, deemed to be distributed to him as above provided for, shall be such percentage of the income of the corporation, as the value of all property transferred or loaned by such shareholder or his predecessor in title to the corporation is of the total value of all property of the corporation acquired from the shareholders.

Valuation of property transferred.

(3) The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation, and the total value of the property of the corporation acquired from its shareholders shall, for the purpose of determining the percentage referred to in the last preceding subsection, be taken as at the date of acquisition thereof by the corporation; and in ascertaining values under this subsection, regard shall be had to all the facts and circumstances, and the decision of the Treasurer in that respect shall be final and conclusive.

One personal corporation succeeding another.

(4) Where one personal corporation is succeeded by, or transfers its property to, another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second or succeeding corporation the property which they transferred to the corporation first mentioned and where any person acquires the control of a personal corporation he shall be deemed to have transferred to such corporation the property transferred thereto by his vendor.

Fiscal period.

(5) Where the fiscal period of the personal corporation does not coincide with the calendar year, the income shall be deemed to be distributed as a dividend on the last day of the fiscal period.

Personal corporation dividends.

(6) Dividends actually declared by a personal corporation after the thirty-first day of December, one thousand, nine hundred and twenty-four, shall be deemed to be paid out of income earned after said thirty-first day of December, one thousand, nine hundred and twenty-four, so far as the same is available and to that extent shall not be liable to further taxation in the hands of the shareholders.

Shareholders to file statement of personal corporations.

(7) The shareholder of a personal corporation who controls such corporation shall file with his income tax return a statement of the assets, liabilities and income of the personal corporation.



Failure to  
file state-  
ment,  
penalty.

(8) Any such shareholder who fails to file the statement required by subsection seven at the time and in the manner prescribed, shall be taxed on double the amount of his proportion of the income of such personal corporation.

#### FAMILY CORPORATIONS

Family  
corporations.

**22.** The income for fiscal periods ending prior to or during the calendar year 1932 of a family corporation as defined by the *Income War Tax Act* (Canada) to the extent that it has been taxed in the hands of the shareholders under the provisions of the said Act shall not, on distribution by way of dividend, be subject to tax under the provisions of this Act.

#### INCOME IN ONTARIO OF NON-RESIDENTS

Non-resident  
carrying on  
business in  
Ontario.

**24.** The income liable to taxation under this Act of every person residing outside of Ontario, who is carrying on business in Ontario, either directly or through or in the name of any other person, shall be the net profit or gain arising from the business of such person in Ontario.

Casual or  
temporary  
employment  
in Ontario.

**25.** The income liable to taxation under this Act of every person residing outside of Ontario, who derives income for services rendered in Ontario, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business in Ontario, or for any corporation carrying on business in Ontario, shall be the income so earned by such person in Ontario.

Dividends of  
non-resident  
employees  
taxable.

**25a.** The income liable to taxation under the Act of every person residing outside of Ontario who renders services in Ontario as a director, officer, or employee of any corporation carrying on business in Ontario, the majority of the voting shares of which are owned or controlled by any such person, or any combination of them, or any trustee acting on his or their behalf, shall include dividends and interest received, by him or them or his or their trustee, from the corporation with which he is so associated or any subsidiary thereof and shall be taxable against such person.

#### INCOME FROM OPERATIONS IN ONTARIO

Income  
partly  
arising from  
creative  
operations  
within  
Ontario  
taxable.

**26.—(1)** Where a non-resident person produces, grows, mines, creates, manufactures, fabricates, improves, packs, preserves or constructs, in whole or in part, anything within Ontario and exports the same without sale prior to the export thereof, he shall be deemed to be carrying on business in Ontario and to earn within Ontario a proportionate part of any profit ultimately derived from the sale thereof outside of Ontario.

Treasurer's  
discretion.

(2) The Treasurer shall have full discretion as to the manner of determining such proportionate part.





## PARTNERSHIPS

Partnerships. **30.** Where two or more persons are carrying on business in partnership the partnership as such shall not be liable to taxation but the shares of the partners in the income of the partnership, whether withdrawn or not during the taxation year shall, in addition to all other income, be income of the partners and taxed accordingly.

Husband  
and wife as  
partners.

**31.—(1)** Where a husband and wife are partners in any business the total income from the business may in the discretion of the Treasurer be treated as income of the husband or the wife and taxed accordingly.

Husband  
or wife as  
employee or  
employer.

(2) Where a husband derives income as an employee of his wife or *vice versa* any remuneration paid to the husband or wife shall not be chargeable as an expense of the business in determining the net profit thereof.

Husband  
or wife as  
employee  
of a  
partnership  
in which  
husband  
or wife is a  
partner.

(3) Where the husband or wife of a partner in any business receives any salary or any other remuneration therefrom, the portion of the remuneration paid that bears a similar proportion to the interest of the wife or husband, as the case may be, in the partnership business shall be added to the income of the said wife or husband and taxed accordingly.

## TRANSFERS TO EVADE TAXATION

Transfer of  
property.

**32.—(1)** Where a person transfers property to his children whether the transfer is absolute and irrevocable, in trust or otherwise, such person shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made, unless the Treasurer is satisfied that such transfer was not made for the purpose of evading the taxes imposed under this Act.

(2) Where a husband transfers property to his wife, or *vice versa*, whether the transfer is absolute and irrevocable in trust or otherwise, the husband or the wife, as the case may be, shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made.





## PART V

## RETURNS

## GENERAL

Annual  
returns.



**33.**—(1) Every person liable to taxation under this Act shall, on or before the thirtieth day of April in each year, without any notice or demand and any person whether liable to taxation hereunder or not, upon receipt of a notice or demand in writing from the Controller of Revenue or the Commissioner of Income Tax, or any officer of the Government of Canada on behalf of the Government of Ontario or any officer of the Government of Ontario authorized to make such demand, deliver to the Treasurer or the Minister a return in such form as the Treasurer or the Minister may prescribe, of his total income during the last preceding year.

Address to  
be stated.

(2) In such return the taxpayer shall state an address in Ontario to which all notices and other documents to be mailed or served under this Act may be mailed or served.



## PARTNERS AND PROPRIETORS OF BUSINESS

Partnership  
fiscal  
periods.

**34.** A member of a partnership or the proprietor of a business whose fiscal period or periods is other than the calendar year shall make a return of his income and have the tax payable computed upon the income from the business for the fiscal period or periods ending within the calendar year for which the return is being made, but his return of income derived from sources other than his business shall be made for the calendar year.

## GUARDIANS AND OTHER LEGAL REPRESENTATIVES

Return by  
guardian,  
legal repre-  
sentative,  
etc.

**36.**—(1) If a person is unable for any reason to make the return hereinbefore required, such return shall be made by the guardian, curator, tutor or other legal representative of such person, or if there is no such legal representative, by someone acting as agent for such person.

Deceased  
persons.

(2) In the case of the estate of any deceased person, the return shall be made by the executor, administrator or heir of such deceased person.

Treasurer's  
power.

(3) If there is no person to make a return under the provisions of this section, the return shall be made by such person as may be required by the Treasurer to make such return.



## TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

Trustees,  
assignees,  
executors,  
etc.,  
to make  
returns.

**37.** Every trustee in bankruptcy, assignee, liquidator, curator, receiver, administrator, heir, executor and such other like person or legal representative administering, managing, winding-up, controlling, or otherwise dealing with the property, business or estate of any person who has not made a return for any taxable period or for any portion of a taxable period for which such person was required to make a return in accordance with the provisions of this Act shall make such return.

## INFORMATION RETURNS

Returns by  
employers.

**39.—(1)** All employers shall make a return of all persons in their employ receiving any salary or other remuneration in excess of such an amount as the Treasurer may prescribe.

Returns of  
dividends,  
etc.

(2) All corporations and associations shall make a return of all dividends and bonuses paid to shareholders and members.

Returns of  
interest  
paid on fully  
registered  
bonds and  
debentures.

(2a) All debtors paying interest on any fully registered bonds or debentures shall make a return of all interest so paid.

Returns by  
agents.

(3) All persons and corporations in whatever capacity acting, having the control, receipt, disposal or payment of fixed or determinable annual or periodical gains, profits or income of any taxpayer, shall make and render a separate and distinct return to the Treasurer of such gains, profits or income, containing the name and address of each taxpayer.

Information  
returns.  
Last day of  
February.

(4) Such returns shall be delivered to the Treasurer on or before the last day of February in each year, without any notice or demand being made therefor, and in such form as the Treasurer may prescribe.

Information  
to be given  
as to  
payments.

(5) All persons and corporations in whatever capacity acting, making payment of interest, royalties, rents, annuities, compensation, remuneration or other fixed or determinable amounts, such as interest upon bonds, mortgages, deeds of trust or other similar obligations, and also payments under contracts, whether written or verbal, relating to the buying and selling and otherwise dealing in stocks, bonds, debentures, mortgages, hypothecs, and other similar securities, shall without any notice or demand being made therefor, render on such forms and at such times as the Treasurer may prescribe a true and accurate return of the amounts paid in excess of such sums as the Treasurer decides, together with the names and addresses of the recipients. For the purposes of this subsection payment shall include amounts credited to the creditor during the fiscal period of the debtor.





## EXTENSION OF TIME FOR RETURNS

Enlarging  
time for  
returns.

**40.** The Treasurer may at any time enlarge the time for making any return.

## DEMAND FOR ADDITIONAL INFORMATION

Demand for  
additional  
information.

**41.**—(1) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information or a return from any person or corporation who has not made a return, or a complete return, he may, by registered letter, demand from such person or corporation such information, additional information or return.

Thirty  
days' delay.

(2) Such person or corporation shall deliver to the Treasurer such information, additional information or return within thirty days from the date of mailing of such registered letter.

Compliance  
of Treasurer  
with Act  
to be  
proved by  
affidavit.

(3) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as default hereunder shall be sufficiently proved in any court of law by the affidavit of the Controller of Revenue, Commissioner of Income Tax or of any officer of the Treasury Department of the Province of Ontario.

Copy of  
letter.

(4) Such affidavit shall have attached thereto as an exhibit a copy or duplicate of the said letter.

## PRODUCTION OF DOCUMENTS

Production  
of letters,  
accounts,  
etc.

**42.** The Treasurer may require the production, or the production on oath, by the taxpayer or by his agent or officer, or by any person or corporation holding, or paying, or liable to pay, any portion of the income of any taxpayer, of any letters, accounts, invoices, statements and other documents.

Production  
of letters,  
books, etc.,  
by person,  
corporation  
or agent or  
officer  
to prove tax  
payable by  
another.

**43.** The Treasurer may require and demand the production, or the production on oath, by any person or corporation or the agent, or officer thereof, of any letters, accounts, invoices, statements financial or otherwise, books or other documents, held by such person, corporation, agent, or officer, for the purpose of arriving at the tax believed to be payable by any other person, and the same shall be produced within thirty days from the date of mailing of such demand.

## INFORMATION FROM RECIPIENTS OF INCOME

Persons in  
receipt of  
money, etc.,  
of another  
to produce  
information  
required.

**44.** Every person or corporation who, in whatever capacity acting is in receipt of any money, thing of value, or of profits, or gains arising from any source, of or belonging to any other





person shall, when required to do so by notice from the Treasurer, prepare and deliver to the Treasurer any information required, within thirty days from the date of the mailing of such notice.

#### INQUIRY AS TO INCOME OF ANY TAXPAYER

Inquiry as to income.

**45.** Any officer authorized thereto by the Treasurer may make such inquiry as he may deem necessary for ascertaining the income of any taxpayer, and for the purposes of such inquiry such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 20.

#### KEEPING OF BOOKS OR ACCOUNTS

Books or accounts must be kept.

**46.** If a taxpayer fails or refuses to keep adequate books or accounts for income tax purposes, the Treasurer may require the taxpayer to keep such records and accounts as he may prescribe.

#### RETURN OR INFORMATION NOT BINDING ON TREASURER

Treasurer not bound by return.

**47.** The Treasurer shall not be bound by any return or information supplied by or on behalf of a taxpayer, and notwithstanding such return or information, or if no return has been made, the Treasurer may determine the amount of the tax to be paid by any person.

### PART VI

#### PAYMENT OF TAX

##### INSTALMENT OF TAX WITH RETURN

Portion of tax to be forwarded with return; balance may be paid by instalments with interest.

**48.**—(1) Every person liable to pay any tax under this Act shall send with the return of the income upon which such tax is payable, not less than one-quarter of the amount of such tax or such other portion as the Lieutenant-Governor in Council may determine and may pay the balance, if any, of such tax in not more than three equal bi-monthly instalments thereafter or such other instalments as the Lieutenant-Governor in Council may determine, together with interest at the rate of six per centum per annum or such other rate as the Lieutenant-Governor in Council may determine, upon each instalment from the last day prescribed for making such return to the time payment is made.

Payment to Treasurer or Receiver-General.

(2) All taxes, interest and penalties shall be paid to the Treasurer or to the Receiver-General of Canada for and on account of the Treasurer and shall form part of the Consolidated Revenue Fund of Ontario.



# ADDITIONS TO THE TAX IN CASE OF DEFICIENCY

Penalty  
for short  
payment.

**49.** If any person liable to pay any tax under this Act pays as any instalment less than one-quarter, or such other portion as may be determined by the Lieutenant-Governor in Council under the provisions of section forty-eight, of the tax as estimated by him, or should he fail to make any payment at the time of filing his return or at the time when any instalment should be paid, he shall pay, in addition to the interest provided by section forty-eight, additional interest at the rate of four per centum per annum, or such other rate as the Lieutenant-Governor in Council may determine upon the deficiency from the date of default to the date of payment.

## OBLIGATION OF TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

Fiduciaries  
to pay  
before  
distribution.

**50.** Every person or corporation who is required by section thirty-seven of this Act to make a return of income shall pay any tax and interest and penalties assessed and levied with respect to such income before making any distribution of the property, business or estate which he is administering, managing, winding-up or otherwise controlling or dealing with.

Fiduciaries  
to obtain  
certificate.

**51.**—(1) Every trustee in bankruptcy, assignee, administrator, executor and other like person, before distributing any assets under his control shall obtain a certificate from the Treasurer certifying that no unpaid assessment of income tax, interest and penalties properly chargeable against the person, property, business or estate, as the case may be, remains outstanding.

Personal  
liability.

(2) Distribution without such certificate shall render the trustee in bankruptcy, assignee, administrator, executor and other like person personally liable for the tax, interest and penalties.

## OVERPAYMENTS

Returns  
examined.

**53.**—(1) The returns received by the Treasurer shall with all due despatch be checked and examined.

Refund of  
over-  
payments.

(2) In all cases where such examination discloses that an overpayment has been made by a taxpayer the Treasurer shall make a refund of the amount so overpaid by such taxpayer, except in cases where any instalment or instalments are either due or falling due by such taxpayer, when the amount of the overpayment shall be applied on such instalment or instalments and notice of such action shall be given such taxpayer accompanied by the payment of the balance, if any, of the amount overpaid.



## PART VII

## ASSESSMENT

## NOTICE OF ASSESSMENT

Notice of  
assessment.

**54.**—(1) After examination of the taxpayer's return the Treasurer shall send a notice of assessment to the taxpayer verifying or altering the amount of the tax as estimated by him in his return.

Payment of  
additional  
tax.

(2) Any additional tax found due over the estimated amount shall be paid within one month from the date of the mailing of the notice of assessment.

Interest.

(3) If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by section forty-eight, interest at the rate of four per centum per annum, or such other rate as the Lieutenant-Governor in Council may determine, upon the said additional tax, from the expiry of the period of one month from the date of the mailing of the said notice to the date of payment.

## CONTINUATION OF LIABILITY FOR TAX

Continua-  
tion of  
liability  
for tax.

**55.** Notwithstanding any prior assessment, or if no assessment has been made, the taxpayer shall continue to be liable for any tax and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax, interest and penalties.

## REFUND OF OVERPAYMENT

Refund of  
overpayment  
to taxpayer.

**56.** The Treasurer may, at or prior to the issue of the notice of assessment, refund, without application therefor, any overpayment made by the taxpayer, or after the issue of the notice of assessment, provided application in writing is made therefor by the taxpayer within twelve months from the date of payment of the tax or the date at which the notice of assessment was issued.







## PART VIII

## APPEALS AND PROCEDURE

## NOTICE OF APPEAL

Notice of  
appeal.

**58.**—(1) Any person who objects to the amount at which he is assessed, or who considers that he is not liable to taxation under this Act, may personally or by his solicitor, within one month after the date of mailing of the notice of assessment provided for in section fifty-four of this Act, serve a notice of appeal upon the Treasurer or the Minister.

Notice in  
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer or the Minister.

Form of  
notice of  
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the Second Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

## REVIEW OF ASSESSMENT

Decision  
to affirm  
or amend  
assessment.

**59.** Upon receipt of the said notice of appeal the Treasurer or the Minister shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant of his decision by registered post.

## NOTICE OF DISSATISFACTION

Notice of  
dissatisfac-  
tion  
respecting  
the decision.

**60.**—(1) If the appellant, after receipt of the said decision, is dissatisfied therewith, he may, within one month from the date of the mailing of the said decision, mail to the Treasurer or the Minister by registered post, a notice entitled;

## THE INCOME TAX ACT OF ONTARIO, 1936

## NOTICE OF DISSATISFACTION

In re the appeal of ..... of the ..... of  
..... in the Province of .....  
stating that he desires his appeal to be set down for trial.

Statement  
with notice.

(2) The appellant shall forward therewith a final statement of such further facts, statutory provisions and reasons which he intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions



and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

#### SECURITY FOR COSTS

Security.

**61.**—(1) The party appealing shall thereupon give security in four hundred dollars for the costs of the appeal in a form satisfactory to the Treasurer or the Minister, provided that in lieu of other security the party appealing may pay into court the sum of two hundred dollars in which case such party shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer or the Minister specifying the fact and purpose of such payment.

Proceedings  
voided.

(2) Unless such security is furnished by the party appealing within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

#### REPLY

Decision  
upon  
receipt of  
statement  
of facts.

**62.** Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

#### PROCEEDINGS IN COURT

Copy of  
documents  
to be filed.

**63.**—(1) Within two months from the date of the mailing of the said reply, the Treasurer or the Minister shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said court for the county or district in which the appellant resides or carries on business, to be filed in the said court, copies of the following documents:

- (a) The Income Tax Return of the appellant, if any, for the period under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

Matter  
deemed  
action.

(2) The matter shall thereupon be deemed to be an action in the said court and shall be set down for trial forthwith by the registrar or local registrar as the case may be and thereafter shall be proceeded with in the same manner as an action commenced in the said court, provided that the court or a



judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme  
Court  
practice to  
govern.

(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said court.

Title of  
cause.

**64.** All subsequent proceedings shall be entitled:

In re *The Income Tax Act of Ontario, 1936*, and the appeal of ..... of ..... in the Province of ..... and notice and copies of all further proceedings shall be served upon the Treasurer or Minister.

Conditional  
limitation  
of evidence

**65.**—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct.

Matter may  
be referred  
back to  
Treasurer or  
Minister.

(2) The court may refer the matter back to the Treasurer or the Minister for further consideration.

Jurisdiction  
of court.

**66.** Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said court may seem right and proper.

Irregu-  
larities not  
to affect  
validity of  
assessment.

**67.** An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings  
in camera.

**68.** Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the court by any party to the proceedings.

Right of  
appeal  
barred.

**69.** If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the person assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.







## PART IX

## REMEDIES OF CROWN TO RECOVER TAXES, ETC.

## ACTIONS IN THE COURTS

Taxes a debt  
due the  
Crown.

**70.** All taxes, interest, penalties and costs assessed or imposed or ordered to be paid under the provisions of this Act, shall be deemed to be a debt due to His Majesty in right of the province of Ontario and shall be recoverable as such in the Supreme Court of Ontario or in any other court of competent jurisdiction in the name of His Majesty in right of the province of Ontario or in such other manner as is in this Act provided.

## COLLECTION FROM THE DEBTOR OF A TAXPAYER

Collection  
of tax from  
third party.

**72.**—(1) When the Treasurer or the Minister has knowledge or suspects that any person or corporation is or is about to become indebted to a taxpayer he may, by registered letter, demand of such person or corporation that the moneys otherwise payable to the taxpayer be in whole or in part, paid over to the Receiver General of Canada for and on account of the Treasurer of Ontario on account of said taxpayer's liability under the provisions of this Act.

Receipt  
to be a  
discharge.

(2) The receipt of the Treasurer or the Minister therefor shall constitute a good and sufficient discharge of the liability of such person or corporation to said taxpayer to the extent of the amount referred to in the receipt.

Personal  
liability.

(3) Any person or corporation discharging any liability to a taxpayer after receipt of the registered letter herein referred to shall be personally liable to the extent of the liability discharged as between him and the taxpayer or to the extent of the liability of the taxpayer for taxes, interest and penalties, whichever is the lesser amount.

## DISTRESS

Distress in  
default of  
payment.

**73.**—(1) If any person not having given notice of appeal neglects or refuses to pay any tax, interest or penalty or instalment of tax due under this Act, the Treasurer or the Minister, on giving ten days' notice by registered mail addressed to the last known place of residence of the taxpayer, may issue a certificate declaring said person to be in default and may authorize any person whom he deems proper upon receipt of such certificate to distrain the goods and chattels of the person so in default.



Sale of  
goods by  
auction.

(2) The distress levied in accordance with this section shall be kept for ten days at the cost and charges of the person neglecting or refusing to pay and if the person aforesaid does not pay the sum due, together with the costs and charges within the said ten days the goods and chattels distrained shall be sold by public auction.

Notice  
of sale

(3) Except in the case of perishable goods, notice of such sale setting forth the time and place thereof together with a general description of the goods to be sold shall be published at least once in one or more of the local newspapers of general local circulation.

Return of  
surplus

(4) Any surplus resulting from the distress after deduction of the amount owing by the taxpayer and all costs and charges shall be restored to the owner of the goods distrained.

Exemptions.  
Rev. Stat.,  
c. 112.

(5) Such goods and chattels of any person in default as would be exempt from seizure under the provisions of *The Execution Act* shall be exempt from distress under this section.

#### COLLECTION FROM TAXPAYER LEAVING ONTARIO

Demand for  
payment if  
taxpayer  
is leaving  
Ontario.

**74.**—(1) The Treasurer or the Minister if he suspects that the taxpayer is about to leave Ontario may, for that or any other reason, by registered letter addressed to the taxpayer, demand payment of all taxes, penalties and accrued interest, for which the taxpayer is liable, and the same shall be paid within ten days from the date of mailing of such registered letter, notwithstanding any other provisions in this Act contained.

Seizure of  
goods upon  
non-  
payment.

(2) Non-payment of the said tax within the specified time shall render the goods of the taxpayer liable to seizure by the sheriff of the city, county or district in which the goods of the taxpayer are situate.

Certificate  
to authorize  
seizure.

(3) A certificate of non-compliance with any such demand signed by the Controller of Revenue or the Commissioner of Income Tax, setting forth the particulars of the demand and placed in the hands of the sheriff, shall be sufficient authority to him to seize sufficient of the goods of the taxpayer to meet the said demand.

Sale.

(4) The sale of such goods and the disposition of the moneys realized shall be conducted in the manner prescribed by the law of the province of Ontario as if the seizure were made under a writ of execution issued out of the Supreme Court of Ontario.



## PART X

## ADMINISTRATION

Adminis-  
tration by  
Treasurer.

**75.**—(1) The administration of this Act, the control and management of the collection of the taxes imposed under this Act, and all matters incident thereto, and of the officers and persons employed, shall be vested in the Treasurer.

Regulations  
to exercise  
authorized  
powers.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Treasurer may make regulations necessary for the carrying out of the provisions of this Act.

Appoint-  
ment of  
officers to  
administer  
Act  
and their  
salaries.

**76.**—(1) The Lieutenant-Governor in Council may from time to time appoint such officers and other persons as may be necessary to administer the provisions of this Act or any Order-in-Council or regulations made thereunder, and fix salaries and the time and manner of payment thereof.

Agreement  
between  
Treasurer  
and  
Minister.

(2) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of, or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue under this Act as may be specified in the said agreement.

Expenses.

(3) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act.

## PART XI

## OFFENCES AND PENALTIES

Penalty  
for failure  
to file  
return  
under  
Section 33.

**77.**—(1) Every person failing to deliver a return pursuant to the provisions of section thirty-three within the time limited therefor shall be liable to a penalty of five per centum of the tax payable by such person: Provided, however, that such penalty shall not in any case exceed five hundred dollars.

Other  
returns.

(2) Every person or corporation failing to deliver a return pursuant to the provisions of sections thirty-six to thirty-nine inclusive, within the time limited therefor, shall be liable to a penalty of ten dollars for each day of default: Provided, however, that such penalty shall not in any case exceed fifty dollars.







**Employers.**

(3) In the case of a return by an employer required by subsection one of section thirty-nine of this Act, the penalty shall be further limited to two dollars for every day of default with a maximum of fifty dollars.

**Returns to be completed.**

(4) Every person failing to complete the information required on the prescribed forms for reporting income as required by section thirty-three of this Act, shall be liable to a penalty of one per centum of the tax payable by such person; Provided, however, that such penalty shall not in any case be less than one dollar and shall not in any case exceed twenty dollars.

**Time of default in filing returns extended in the case of religious institutions and others.**

**78.** In the case of religious, charitable, agricultural and educational institutions and boards of trade and chambers of commerce, default shall not be deemed to have commenced until the expiry of thirty days from the date of the mailing of a demand for a return.

**Default in complying with provisions of Secs. 41-46.**

**79.** For every default in complying with the provisions of sections forty-one to forty-six inclusive, the persons or corporations in default shall each be liable on summary conviction to a penalty of not less than twenty-five dollars for each day during which the default continues.

**False statement in any returns, etc.**

**80.—(1)** Any person making a false statement in any return whether or not such return is made voluntarily or in compliance with a demand therefor, or in any information required by the Treasurer or the Minister shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or six months' imprisonment, or to both fine and imprisonment.

**Information or complaint within three years.**

(2) Any information or complaint with respect to any offence against the provisions of this Act may be laid or made within three years from the time when the matter of the information or complaint arose.

**Secrecy.**

**81.—(1)** No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

**Penalty.**

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding two hundred dollars.

**Information to be laid.**

**82.** Any person authorized by the Treasurer or the Minister may institute proceedings under this Act.



Omitted  
income  
doubled.

**83.**—(1) If any person omits to declare any dividends, rentals, interest, royalties or other like income which, on any inquiry or on information obtained from any person other than the taxpayer, is subsequently duly ascertained to have been received, such person may be assessed as if double the income so omitted from his return had been received.

Estate of  
deceased  
taxpayer.

(2) The estate of a deceased taxpayer shall be liable in respect of any tax arising by reason of any omission so ascertained whether the omission was discovered prior or subsequent to the decease of the taxpayer.

Penalty  
not in sub-  
stitution.

(3) This section shall not be construed as providing for a penalty in substitution for any penalties otherwise provided for in this Act.

Other  
penalties.

**84.**—(1) Any person violating any of the provisions of this Act or any regulations made thereunder, for which no other penalty is provided, shall be liable on summary conviction to a penalty not exceeding one thousand dollars.

Application  
of Rev.  
Stat., c. 121.

(2) The penalties imposed by subsections 2 and 3 of section 77 and sections 79, 80, 81 and 84, may be recovered under *The Summary Convictions Act* and shall be payable to the Receiver General of Canada for and on account of the Treasurer of Ontario.

Commence-  
ment of Act.

**85.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be applicable to the incomes of the year 1935 and all fiscal periods ending therein and to the incomes of all subsequent years and fiscal periods.



## FIRST SCHEDULE

Rates  
applicable  
to all  
individuals.

## A.—Rates of tax applicable

On the first \$1,000 of Net Income or any portion thereof in excess of Exemptions  $1\frac{1}{2}$  per centum or

- \$15. upon Net Income of \$1,000; and 2 per centum upon the amount by which the Income exceeds \$1,000 and does not exceed \$2,000 or
- \$35. upon Net Income of \$2,000; and  $2\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$2,000 and does not exceed \$3,000 or
- \$60. upon Net Income of \$3,000; and 3 per centum upon the amount by which the Income exceeds \$3,000 and does not exceed \$4,000 or
- \$90. upon Net Income of \$4,000; and  $3\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$4,000 and does not exceed \$5,000 or
- \$125. upon Net Income of \$5,000; and 4 per centum upon the amount by which the Income exceeds \$5,000 and does not exceed \$6,000 or
- \$165. upon Net Income of \$6,000; and  $4\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$6,000 and does not exceed \$7,000 or
- \$210. upon Net Income of \$7,000; and 5 per centum upon the amount by which the Income exceeds \$7,000 and does not exceed \$8,000 or
- \$260. upon Net Income of \$8,000; and  $5\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$8,000 and does not exceed \$9,000 or
- \$315. upon Net Income of \$9,000; and 6 per centum upon the amount by which the Income exceeds \$9,000 and does not exceed \$10,000 or
- \$375. upon Net Income of \$10,000; and  $6\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$10,000 and does not exceed \$11,000 or
- \$440. upon Net Income of \$11,000; and 7 per centum upon the amount by which the Income exceeds \$11,000 and does not exceed \$12,000 or
- \$510. upon Net Income of \$12,000; and  $7\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$12,000 and does not exceed \$13,000 or
- \$585. upon Net Income of \$13,000; and 8 per centum upon the amount by which the Income exceeds \$13,000 and does not exceed \$14,000 or
- \$665. upon Net Income of \$14,000; and  $8\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$14,000 and does not exceed \$15,000 or
- \$750. upon Net Income of \$15,000; and 9 per centum upon the amount by which the Income exceeds \$15,000 and does not exceed \$16,000 or





- \$840. upon Net Income of \$16,000; and  $9\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$16,000 and does not exceed \$17,000 or
- \$935. upon Net Income of \$17,000; and 10 per centum upon the amount by which the Income exceeds \$17,000 and does not exceed \$18,000 or
- \$1,035. upon Net Income of \$18,000; and  $10\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$18,000 and does not exceed \$19,000 or
- \$1,140. upon Net Income of \$19,000; and 11 per centum upon the amount by which the Income exceeds \$19,000 and does not exceed \$20,000 or
- \$1,250. upon Net Income of \$20,000; and  $11\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$20,000 and does not exceed \$25,000 or
- \$1,825. upon Net Income of \$25,000; and 12 per centum upon the amount by which the Income exceeds \$25,000 and does not exceed \$30,000 or
- \$2,425. upon Net Income of \$30,000; and  $12\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$30,000 and does not exceed \$35,000 or
- \$3,050. upon Net Income of \$35,000; and 13 per centum upon the amount by which the Income exceeds \$35,000 and does not exceed \$40,000 or
- \$3,700. upon Net Income of \$40,000; and  $13\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$40,000 and does not exceed \$45,000 or
- \$4,375. upon Net Income of \$45,000; and 14 per centum upon the amount by which the Income exceeds \$45,000 and does not exceed \$50,000 or
- \$5,075. upon Net Income of \$50,000; and  $14\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$50,000 and does not exceed \$55,000 or
- \$5,800. upon Net Income of \$55,000; and 15 per centum upon the amount by which the Income exceeds \$55,000 and does not exceed \$60,000 or
- \$6,550. upon Net Income of \$60,000; and  $15\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$60,000 and does not exceed \$65,000 or
- \$7,325. upon Net Income of \$65,000; and 16 per centum upon the amount by which the Income exceeds \$65,000 and does not exceed \$70,000 or
- \$8,125. upon Net Income of \$70,000; and  $16\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$70,000 and does not exceed \$75,000 or
- \$8,950. upon Net Income of \$75,000; and 17 per centum upon the amount by which the Income exceeds \$75,000 and does not exceed \$80,000 or
- \$9,800. upon Net Income of \$80,000; and  $17\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$80,000 and does not exceed \$85,000 or
- \$10,675. upon Net Income of \$85,000; and 18 per centum upon the amount by which the Income exceeds \$85,000 and does not exceed \$90,000 or



- \$11,575. upon Net Income of \$90,000; and  $18\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$90,000 and does not exceed \$95,000 or
- \$12,500. upon Net Income of \$95,000; and 19 per centum upon the amount by which the Income exceeds \$95,000 and does not exceed \$100,000 or
- \$13,450. upon Net Income of \$100,000; and  $19\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$100,000 and does not exceed \$110,000 or
- \$15,400. upon Net Income of \$110,000; and 20 per centum upon the amount by which the Income exceeds \$110,000 and does not exceed \$120,000 or
- \$17,400. upon Net Income of \$120,000; and  $20\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$120,000 and does not exceed \$130,000 or
- \$19,450. upon Net Income of \$130,000; and 21 per centum upon the amount by which the Income exceeds \$130,000 and does not exceed \$140,000 or
- \$21,550. upon Net Income of \$140,000; and  $21\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$140,000 and does not exceed \$150,000 or
- \$23,700. upon Net Income of \$150,000; and 22 per centum upon the amount by which the Income exceeds \$150,000 and does not exceed \$175,000 or
- \$29,200. upon Net Income of \$175,000; and  $22\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$175,000 and does not exceed \$200,000 or
- \$34,825. upon Net Income of \$200,000; and 23 per centum upon the amount by which the Income exceeds \$200,000 and does not exceed \$225,000 or
- \$40,575. upon Net Income of \$225,000; and  $23\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$225,000 and does not exceed \$250,000 or
- \$46,450. upon Net Income of \$250,000; and 24 per centum upon the amount by which the Income exceeds \$250,000 and does not exceed \$275,000 or
- \$52,450. upon Net Income of \$275,000; and  $24\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$275,000 and does not exceed \$300,000 or
- \$58,575. upon Net Income of \$300,000; and 25 per centum upon the amount by which the Income exceeds \$300,000 and does not exceed \$325,000 or
- \$64,825. upon Net Income of \$325,000; and  $25\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$325,000 and does not exceed \$350,000 or
- \$71,200. upon Net Income of \$350,000; and 26 per centum upon the amount by which the Income exceeds \$350,000 and does not exceed \$375,000 or
- \$77,700. upon Net Income of \$375,000; and  $26\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$375,000 and does not exceed \$400,000 or













An Act to authorize the Levying of a  
Tax upon certain Incomes.

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*1st Reading*

February 11th, 1936

*2nd Reading*

February 19th, 1936

*3rd Reading*

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MR. LEDUC

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(Reprinted as amended by Committee of  
the Whole House.)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

n Act to authorize the Levying of a Tax upon certain Incomes.

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MR. LEDUC

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# BILL

## An Act to authorize the Levying of a Tax upon certain Incomes.

*Assented to March 2nd, 1936.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### SHORT TITLE

Short title.      **1.** This Act may be cited as *The Income Tax Act of Ontario, 1936.*

### INTERPRETATION

Interpretation.      **2.** In this Act, and in any regulations made hereunder, unless the context otherwise requires,

"Commissioner of Income Tax."  
R.S.C.,  
c. 137.      (a) "Commissioner of Income Tax" means the officer appointed by the Governor in Council pursuant to the provisions of the *Department of National Revenue Act* (Canada);

"Dividends."      (b) "dividends" shall include stock dividends;

"Employed in Ontario."      (c) "employed in Ontario" means regularly or continuously employed to perform personal services, any part of which is performed in Ontario, for salary, wages, commissions, fees or other remuneration, whether directly or indirectly received, derived from sources within Ontario;

"Controller of Revenue."      (d) "Controller of Revenue" means the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;

"Gross Revenue."      (e) "gross revenue" (where a personal corporation has revenue from more than one source) means the sum of the net profits from each source;

"Treasurer."      (f) "Treasurer" means the Treasurer of Ontario;

"Minister."      (g) "Minister" means the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada);

- (h) "person" includes any association, trust, personal corporation or other body, and the heirs, executors, administrators and curators or other legal representatives of such person, according to the law of Ontario; but does not include any body corporate except a personal corporation; <sup>"Person"</sup>
- (i) "personal corporation" means a corporation or joint stock company, irrespective of when or where created, whether in Ontario or elsewhere, and irrespective of where it carries on its business or where its assets are situate, controlled, directly or indirectly, by one individual who resides in Ontario, or by one such individual and his wife or any member of his family, or by any combination of them or by any other person or corporation or any combination of them on his or their behalf, and whether through holding a majority of the stock of such corporation or in any other manner whatsoever, the gross revenue of which is to the extent of one-quarter or more derived from one or more of the following sources, namely:— <sup>"Personal corporation"</sup>
- (i) From the ownership of or the trading or dealing in bonds, stocks or shares, debentures, mortgages, hypothecs, bills, notes or other similar property,
  - (ii) From the lending of money with or without security, or by way of rent, annuity, royalty, interest or dividend, or
  - (iii) From or by virtue of any right, title or interest in or to any estate or trust;
- (j) "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence, containing at least two bedrooms, in which residence amongst other things the taxpayer as a general rule sleeps and has his meals prepared and served; <sup>"Self-contained domestic establishment."</sup>
- (k) "taxpayer" means any person paying, liable to pay, or believed by the Treasurer to be liable to pay, any tax imposed by this Act; <sup>"Taxpayer"</sup>
- (l) "year" means the calendar year or such other period of time as the context may require; <sup>"Year."</sup>
- (m) "corporation" means a corporation and an association however or wherever incorporated. <sup>"Corporation."</sup>



## PART I

## TAXABLE INCOME

## TAXABLE INCOME DEFINED

"Income."

3. For the purposes of this Act, "income" means the annual net profit or gain or gratuity, whether ascertained and capable of computation as being wages, salary, or other fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment, or from any profession or calling, or from any trade, manufacture or business, as the case may be, whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent; and
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon the surrender of the contract; and
- (c) any payment to any employee out of any employees' superannuation or pension fund or plan; and
- (d) the salaries, indemnities or other remuneration of
  - (i) members of the Senate and House of Commons of Canada and officers thereof;
  - (ii) members of the Legislative Assembly of Ontario;
  - (iii) members of Municipal Councils, Commissions or Boards of Management;
  - (iv) any Judge of any Dominion or Provincial court whose salary was increased by chapter fifty-nine of the Statutes of Canada of one thousand nine hundred and nineteen or by chapter fifty-six of the Statutes of Canada of one

thousand, nine hundred and twenty and who accepted such increase, and any Judge of any such Court appointed after the seventh day of July, one thousand, nine hundred and nineteen; and

- (v) all persons, whatsoever, whether the said salaries, indemnities or other remuneration are paid out of the revenue of His Majesty in respect of His Government of Canada, or of any province thereof, or by any person, except as herein otherwise provided; and
- (e) personal and living expenses when such form part of the profit, gain or remuneration of the taxpayer;
- (f) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that the same are payable on account of the use or sale of any such property.

## PART II

### EXEMPTIONS AND DEDUCTIONS

#### EXCEPTED INCOMES

4. The following incomes shall not be liable to taxation hereunder:— Incomes  
not liable  
to tax.

- (a) The income of the Governor-General of Canada; Governor-General.
- (b) The income of consuls and consuls-general and of officials or officers of a foreign country whose duties require them to reside in Ontario, if and only if they are citizens of the country they represent and are not engaged in any business or calling other than the duties appertaining to their official position and provided that the country they represent grants a similar exemption to officials of the Government of Canada; Consuls-General.
- (c) The income of officials of Great Britain, of the Dominions, other than the Dominion of Canada, and of Great Britain's colonies whose duties require them to reside in Ontario, and who are not engaged in any business or calling other than the duties appertaining to their official position; British officials.

**Municipal undertaking.**

- (d) The income of any commission or association not less than ninety per centum of the capital of which is owned by a province or a municipality;

**Charitable institutions.**

- (e) The income of any religious, charitable, agricultural and educational institution, board of trade and chamber of commerce, no part of the income of which inures to the personal profit of, or is paid or payable to any proprietor thereof;

**Labour organizations.**

- (f) The income of labour organizations and societies and of benevolent and fraternal beneficiary societies and orders;

**Clubs.**

- (h) The income of clubs, societies and associations, organized and operated solely for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the benefit of any member;

**Farmers' associations.**

- (i) The income of such insurance, mortgage and loan associations operated entirely for the benefit of farmers as are approved by the Treasurer;

**Co-operative companies and associations.**

- (p) The income of farmers', dairymen's, livestockmen's, fruit growers', poultrymen's, fishermen's and other like co-operative associations, organized and operated on a co-operative basis, which organizations

(a) market the products of the members of such co-operative organizations under an obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less necessary expenses and reserves;

(b) purchase supplies and equipment for the use of such members under an obligation to turn such supplies and equipment over to them at cost, plus necessary expenses and reserves.

Such associations may market the produce of, or purchase supplies and equipment for non-members of the association provided the value thereof does not exceed twenty per centum of the value of produce, supplies or equipment marketed or purchased for the members.

This exemption shall extend to associations owned or controlled by such co-operative associations and organized for the purpose of financing their operations.



- (q) The income of any banking institution organized under co-operative provincial legislation which derives its revenues from loans made primarily to members residing within the territorial limits within the province to which the institution is restricted for the carrying on of its business;
- (r) The income of members of the Senate and House of Commons of Canada whose usual place of residence is outside of Ontario.

#### DEDUCTIONS AND EXEMPTIONS ALLOWED

5.—(1) "Income" as hereinbefore defined shall, for the purposes of this Act, be subject to the following exemptions and deductions:—

- (a) Such reasonable amount as the Treasurer in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; provided, however, that when depreciation and exhaustion allowances cease under the *Income War Tax Act* (Canada) they shall also cease under this Act;

And in the case of leases of mines, oil and gas wells and timber limits, the lessor and the lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer shall have full power to apportion the deduction between them and his determination shall be conclusive;

- (b) Such reasonable rate of interest on borrowed capital used in the business to earn the income as the Treasurer in his discretion may allow notwithstanding the rate of interest payable by the taxpayer, but to the extent that the interest payable by the taxpayer is in excess of the amount allowed by the Treasurer hereunder, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;
- (c) Two thousand dollars in the case of

- (i) A married person;

Married person.

- (ii) A widow or widower with a son or daughter under twenty-one years of age who is dependent

Widow or widower with dependent child.

ent upon such parent for support, or if twenty-one years of age or over is likewise dependent on account of mental or physical infirmity;

Person maintaining self-contained domestic establishment and supporting therein a relative.

- (iii) An individual who maintains a self-contained domestic establishment and who actually supports therein one or more individuals connected with him by blood relationship, marriage or adoption;

Clergyman maintaining self-contained domestic establishment.

- (iv) A minister or clergyman in charge of a diocese, congregation or parish, whose duties require him to maintain at his own and sole expense a self-contained domestic establishment and who employs therein on full time a housekeeper or servant;

Other persons.

- (d) One thousand dollars in the case of all other persons; and

Dependent children and grandchildren.

- (e) Four hundred dollars for each child or grandchild (except one such child or grandchild on whose account the taxpayer is entitled to exemption under paragraphs (c) (ii) or (c) (iii) hereof) of the taxpayer, under twenty-one years of age and dependent upon the taxpayer for support or twenty-one years of age or over and likewise dependent on account of mental or physical infirmity;

Travelling expenses.

- (f) Travelling expenses, including the entire amount expended for meals and lodgings, while away from home in the pursuit of a trade or business;

Deductions for superannuation or pension fund.

- (g) Any part of the remuneration of a taxpayer retained by his employer in connection with an employee's superannuation or pension fund or plan;

Election for pension fund income exemption.

- (h) In case of a trust established in connection with, or a corporation incorporated for the administration of an employees' superannuation or pension fund or plan, the income from the investment of the superannuation or pension funds shall be exempt if the trustee or corporation so elects. In such event the exemption provided for by the next preceding paragraph shall not be allowed but any payment to an employee out of the fund shall, notwithstanding anything contained in this Act, be exempt according to the proportion that the sum of the amounts paid by the employee into the fund after the effective date of the election bears to the total amount paid by him into the fund;

Election shall be effected by writing, signed by the trustee or corporation in control of the fund.

Notwithstanding the date of election, the Treasurer shall have full power to determine from what date the election shall take effect.

- (i) The amount not exceeding four hundred dollars <sup>Dependent relatives.</sup> actually expended by a taxpayer for the support of each of the following persons (except one such person on whose account the taxpayer is entitled to exemption under paragraph (c) (iii) hereof) who are dependent upon him for support;
  - (a) A parent or grandparent dependent on account of mental or physical infirmity;
  - (b) A brother or sister under twenty-one years of age or twenty-one years of age or over if dependent on account of mental or physical infirmity;
- (j) The amount allowed as an exemption, by way of <sup>Charitable donations</sup> charitable donation, under the *Income War Tax Act* (Canada) for the corresponding period;
- (k) Twelve hundred dollars only, being income derived <sup>\$1,200.00 of annuity exempt.</sup> from annuity contracts with the Government of Canada or like annuity contracts issued by any Provincial Government, or any company incorporated or licensed to do business in Canada;

Provided that, in the case of a husband and wife each having annuity income, the exemption herein provided shall not exceed twelve hundred dollars between them in respect of such annuity income and the exemption may be taken by either the husband or the wife or apportioned between them by agreement or by the Treasurer;

And provided, further, that the income arising out of annuity contracts entered into prior to the 26th of May, 1932, shall continue to be exempt as theretofore provided by section three of chapter twenty-four of the Statutes of Canada for 1930;

And provided, further, that where a husband purchases an annuity for his wife or a wife for her husband, the income therefrom shall be taxed as income of the purchaser;



And provided further that annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of this Act.

The decision of the Treasurer in respect of any question arising under paragraphs (i), (j) and (k) hereof shall be final and conclusive.

Succession  
duty  
interest.

(l) Interest paid in respect of Succession Duties or inheritance taxes.

Dominion  
Income Tax.

(m) The tax payable under the *Income War Tax Act* (Canada) in respect of the income of the year; provided, however, that such tax paid or payable by any non-resident person carrying on business in Ontario shall be that portion of the tax payable under the *Income War Tax Act* (Canada) which the Commissioner of Income Tax may determine arises by reason of the business done in Ontario.

Incomes of  
husband  
and wife.

(2) Where a husband and wife have each a separate income in excess of one thousand dollars, whether taxable or not, each shall receive an exemption of one thousand dollars in lieu of the exemption set forth in paragraph (c) of subsection one.

Exemption  
for  
dependent  
children;  
who may  
take.

(3) The exemption for any dependent child may be taken by either parent under arrangement between themselves; and in the event of any dispute arising between them the said exemption shall be allowed to the father of the said child.

#### DEDUCTIONS FROM INCOME NOT ALLOWED

Deductions  
not  
allowed.

6.—(1) In computing the amount of the profits or gains to be assessed, a deduction shall not be allowed in respect of

Expenses  
not laid  
out to  
earn  
income.

(a) disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose of earning the income;

Capital  
out-lays or  
losses, etc.

(b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual  
value of  
property

(c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business to earn the income subject to taxation;

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act; Reserves, contingent accounts or sinking funds.
- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connection with a trade, business or calling; Carrying charges.
- (f) personal and living expenses; Personal expenses.
- (h) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income; Application of carrying charges.
- (j) net losses sustained in any taxation period in the United Kingdom of Great Britain and Northern Ireland or any of the British Dominions (other than Canada) or any British possession or dependency, or in any foreign country, after the taxpayer has in respect of any such period once elected to claim and has received, reciprocal tax relief under the *Income War Tax Act* (Canada) for taxes paid to any such country in respect of profits earned therein. Losses sustained abroad.
- (2) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus or commission which in his opinion is in excess of what is reasonable for the services performed. Limitation of certain expenses charged against profits.
- 8.—(1) A taxpayer shall be entitled to deduct from the tax that would otherwise be payable by him under this Act, Income tax paid in any portion of British Empire or in any foreign country.
- (a) the amount paid to Great Britain or any of its self-governing colonies or dependencies for income tax in respect of the income of the taxpayer derived from sources therein; and
- (b) the amount paid to any foreign country for income tax in respect of the income of the taxpayer derived from sources therein, if such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Canada.
- (2) Such deduction shall not at any time exceed the amount of tax which would otherwise be payable under the provisions Limit of deduction

of this Act, in respect of the said income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

**Evidence  
by taxpayer.**

(3) Any such deduction shall be allowed only if the taxpayer furnishes satisfactory evidence showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

**Non-resident  
Canadian  
officials  
allowance.**

(4) A Minister, High Commissioner, officer, servant or employee of the Government of Canada or an agent general for any of the provinces of Canada, or any officer, servant or employee thereof, resident outside of Canada, shall be entitled to deduct from the tax that would otherwise be payable by him under this Act the amount paid as income tax to the government of the country in which he resides.

### PART III

#### CHARGING PROVISIONS

##### PERSONS TAXABLE

**Persons  
liable to  
income tax.**

9. There shall be assessed, levied and paid upon the income during the preceding year of every person

- (a) residing or ordinarily resident in Ontario during such year; or
- (b) who sojourns in Ontario for a period or periods amounting to one hundred and eighty-three days during such year; or
- (c) who is employed in Ontario during such year; or
- (d) who, not being resident in Ontario, is carrying on business in Ontario during such year; or
- (e) who, not being resident in Ontario, derives income for services rendered in Ontario during such year, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business or corporation carrying on business in Ontario; or
- (f) who, before his appointment was a resident of Ontario and is now or was during such year or any part thereof or hereafter becomes a Minister, High Commissioner, officer, servant or employee of the Government of Canada, or an agent general for any of the provinces of Canada, or any officer,



servant or employee thereof, resident outside of Canada, except upon income arising from his official position,

a tax at the rates set forth in the First Schedule of this Act upon the amount of income in excess of the exemptions provided in this Act.

## PART IV.

### SPECIAL PROVISIONS RELATING TO THE INCIDENCE OF THE TAX

#### INCOME FROM CHIEF BUSINESS

10.—(1) In any case the income of a taxpayer shall be deemed to be not less than the income derived from his chief position, occupation, trade, business or calling. <sup>Income from chief occupation.</sup>

(2) Where a taxpayer has income from more than one source by virtue of filling or exercising more than one position, occupation, trade, business or calling, the Treasurer shall have full power to determine which one or more, or which combination thereof shall, for the purpose of this Act, constitute the taxpayers' chief position, occupation, trade, business or calling, and the income therefrom shall be taxed accordingly. <sup>which is chief occupation.</sup>

(3) The determination of the Treasurer exercised pursuant hereto shall be final and conclusive. <sup>Final determination.</sup>

#### INCOME FROM ESTATES AND TRUSTS

11.—(1) The income, for any taxation period, of a beneficiary of any estate or trust of whatsoever nature shall be deemed to include all income accruing to the credit of the taxpayer whether received by him or not during such taxation period. <sup>Income from an estate or accumulating in trust.</sup>

(2) Income accumulating in trust for the benefit of unascertained persons, or of persons with contingent interests shall be taxable in the hands of the trustee or other like person acting in a fiduciary capacity, as if such income were the income of a person, provided that he shall not be entitled to the exemptions provided by paragraphs (c), (d), (e) and (i) of subsection one of section five of this Act. <sup>Trusts for unascertained person.</sup>

(3) In determining the taxable income of deceased persons, interest, rents, royalties, annuities and other income payable periodically shall be deemed to have accrued by equal daily <sup>Accruals to date of death.</sup>

increment during and within the period for or in respect of which such income arose and shall be apportionable in respect of the period of time accordingly and that portion accrued to the date of death shall be taxed as income of the deceased.

**Dividends.** (4) Dividends received by an estate or trust and capitalized shall be taxable income of the estate or trust.

**Life beneficiaries.** (5) Any amount paid by an estate or trust for the upkeep, maintenance and taxes of any property which, under the terms of the will or trust is required to be maintained for the use of any tenant for life, and which in any case is in excess of such an amount as the Treasurer may prescribe, shall be deemed to be taxable income received by such tenant for life.

#### DIVIDENDS

**Taxable in year paid.** **12.**—(1) Dividends or shareholders' bonuses shall be taxable income of the taxpayer in the year in which they are paid or distributed.

**Payments on income bonds or income debentures.** (2) For the purpose of this Act any annual amount received in respect of an income bond or income debenture shall be deemed to be a dividend.

#### UNDIVIDED PROFITS OF CORPORATION

**Undistributed profits of corporations.** **13.** In the case of any corporation which has undivided or undistributed profits, if the Treasurer is of opinion that the accumulation of such profits is in excess of what is reasonably required for the purposes of the business, he may notify the corporation by registered letter of the amount of such accumulation which he considers excessive, and if such amount is not distributed during the fiscal period of the corporation in which notice is given, the shareholders shall be deemed to have received such amount of profits as a dividend on the last day of the said fiscal period and shall be taxable accordingly.

#### INDIRECT DISTRIBUTION OF SURPLUS

**Indirect distribution of surplus.** **14.** Where a person owning shares of a corporation transfers such shares or a portion thereof to a second corporation acting as his agent, trustee or attorney or promoted at his instance or controlled by him, which second corporation subsequently receives a dividend from the first-mentioned corporation and applies the income thus received, in whole or in part, directly or indirectly

(a) in payment of the shares purchased by the second corporation from such person;

(b) in the discharge of any liability incurred to such person by reason of and in connection with the purchase of such shares; or

- (c) in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares,

then such person shall be taxable in respect of such dividend as if he had received it in the year that the first-mentioned corporation declared the dividend.

#### CAPITALIZATION OF UNDISTRIBUTED INCOME

**15.** When, as a result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected. Corporate surplus taxable to shareholder on capitalization.

#### CAPITAL STOCK REDUCTIONS OR REDEMPTIONS

**16.—(1)** Where a corporation having undistributed income on hand reduces or redeems any class of the capital stock or shares thereof the amount received by any shareholder by virtue of the reduction shall, to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time of such reduction, be deemed to be a dividend and to be income received by such shareholder. Capital stock reductions.

(2) The provisions of this section shall not apply to any class of stock which, by the instrument authorizing the issue of such class, is not entitled on being reduced or redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend nor to a reduction of capital effected before the sixteenth day of April, one thousand nine hundred and twenty-six. Application.

#### REDEMPTION OF SHARES AT PREMIUM

**17.** Where a corporation redeems its shares at a premium, the premium shall be deemed to be a dividend and to be income received by the shareholder. Premiums Taxable.

#### LOANS TO SHAREHOLDERS

**18.—(1)** For the purposes of this Act, any loan or advance by a corporation, or appropriation of its funds to a share- Loans to shareholders.



holder thereof, other than a loan or advance incidental to the business of the corporation shall be deemed to be a dividend to the extent that such corporation has on hand undistributed income and such dividend shall be deemed to be income received by such shareholder in the year in which made.

**Application.** (2) This section shall not apply to a loan or advance made by a corporation lawfully empowered to make loans to its shareholders.

#### DISTRIBUTION ON WINDING-UP OR REORGANIZATION

Surplus  
distribution  
taxable.

**19.** On the winding-up, discontinuance or reorganization of the business of any incorporated company, the distribution in any form of the property of the company shall be deemed to be the payment of a dividend to the extent that the company has on hand undistributed income.

When  
surplus  
distribution  
not taxable.

Provided, however, that this section shall not apply to the distribution of the property of a private investment holding company to the extent that its undistributed income is made up of income from British and foreign securities and interest bearing securities of Canadian debtors when the business of such holding company is and has been carried on in Ontario, and all of its shares (less directors' qualifying shares) are and have been beneficially owned since its incorporation by a non-resident individual, or by such an individual and his wife or any member of his family, or by any combination of them. In determining the extent to which the undistributed income of any such private investment holding company on hand at the date of winding-up is made up of income received by way of dividends from Canadian companies, all dividends or disbursements of such holding company which have been paid or made prior to the date of winding-up shall be deemed to have been paid out of income received from British and foreign securities and interest bearing securities of Canadian debtors.

Undis-  
tributed  
income  
deemed  
to be  
reduced.

**20.** The undistributed income of a corporation shall, for the purposes of sections fifteen, sixteen, seventeen, eighteen and nineteen, be deemed to be reduced by the amount deemed to be received by the shareholders as a dividend by virtue of the provisions of the said sections fifteen, sixteen, seventeen, eighteen and nineteen.

#### PERSONAL CORPORATIONS

Income of  
personal  
corporation  
distributed.

**21.—(1)** The income of a personal corporation, whether the same is actually distributed or not, shall be deemed to be distributed on the last day of each year as a dividend to the

shareholders, and the said shareholders shall be taxable each year as if the same had been distributed in the proportions hereinafter mentioned.

(2) Each shareholder's taxable portion of the income of the corporation, deemed to be distributed to him as above provided for, shall be such percentage of the income of the corporation, as the value of all property transferred or loaned by such shareholder or his predecessor in title to the corporation is of the total value of all property of the corporation acquired from the shareholders. Shareholder's taxable portion.

(3) The value of the property transferred by each shareholder or his predecessor in title shall be the fair value as at the date of the transfer of such property to the corporation, and the total value of the property of the corporation acquired from its shareholders shall, for the purpose of determining the percentage referred to in the last preceding subsection, be taken as at the date of acquisition thereof by the corporation; and in ascertaining values under this subsection, regard shall be had to all the facts and circumstances, and the decision of the Treasurer in that respect shall be final and conclusive. Valuation of property transferred.

(4) Where one personal corporation is succeeded by, or transfers its property to, another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second or succeeding corporation the property which they transferred to the corporation first mentioned and where any person acquires the control of a personal corporation he shall be deemed to have transferred to such corporation the property transferred thereto by his vendor. One personal corporation succeeding another.

(5) Where the fiscal period of the personal corporation does not coincide with the calendar year, the income shall be deemed to be distributed as a dividend on the last day of the fiscal period. Fiscal period.

(6) Dividends actually declared by a personal corporation after the thirty-first day of December, one thousand, nine hundred and twenty-four, shall be deemed to be paid out of income earned after said thirty-first day of December, one thousand, nine hundred and twenty-four, so far as the same is available and to that extent shall not be liable to further taxation in the hands of the shareholders. Personal corporation dividends.

(7) The shareholder of a personal corporation who controls such corporation shall file with his income tax return a statement of the assets, liabilities and income of the personal corporation. Shareholders to file statement of personal corporations.

Failure to  
file state-  
ment,  
penalty.

(8) Any such shareholder who fails to file the statement required by subsection seven at the time and in the manner prescribed, shall be taxed on double the amount of his proportion of the income of such personal corporation.

#### FAMILY CORPORATIONS

Family  
corporations.

**22.** The income for fiscal periods ending prior to or during the calendar year 1932 of a family corporation as defined by the *Income War Tax Act* (Canada) to the extent that it has been taxed in the hands of the shareholders under the provisions of the said Act shall not, on distribution by way of dividend, be subject to tax under the provisions of this Act.

#### INCOME IN ONTARIO OF NON-RESIDENTS

Non-resident  
carrying on  
business in  
Ontario.

**24.** The income liable to taxation under this Act of every person residing outside of Ontario, who is carrying on business in Ontario, either directly or through or in the name of any other person, shall be the net profit or gain arising from the business of such person in Ontario.

Casual or  
temporary  
employment  
in Ontario.

**25.** The income liable to taxation under this Act of every person residing outside of Ontario, who derives income for services rendered in Ontario, otherwise than in the course of regular or continuous employment, for any person resident or carrying on business in Ontario, or for any corporation carrying on business in Ontario, shall be the income so earned by such person in Ontario.

Dividends of  
non-resident  
employees  
taxable.

**25a.** The income liable to taxation under the Act of every person residing outside of Ontario who renders services in Ontario as a director, officer, or employee of any corporation carrying on business in Ontario, the majority of the voting shares of which are owned or controlled by any such person, or any combination of them, or any trustee acting on his or their behalf, shall include dividends and interest received, by him or them or his or their trustee, from the corporation with which he is so associated or any subsidiary thereof and shall be taxable against such person.

#### INCOME FROM OPERATIONS IN ONTARIO

Income  
partly  
arising from  
creative  
operations  
within  
Ontario  
taxable.

**26.—(1)** Where a non-resident person produces, grows, mines, creates, manufactures, fabricates, improves, packs, preserves or constructs, in whole or in part, anything within Ontario and exports the same without sale prior to the export thereof, he shall be deemed to be carrying on business in Ontario and to earn within Ontario a proportionate part of any profit ultimately derived from the sale thereof outside of Ontario

Treasurer's  
discretion.

(2) The Treasurer shall have full discretion as to the manner of determining such proportionate part.



## PARTNERSHIPS

**30.** Where two or more persons are carrying on business in <sup>Partnerships.</sup> partnership the partnership as such shall not be liable to taxation but the shares of the partners in the income of the partnership, whether withdrawn or not during the taxation year shall, in addition to all other income, be income of the partners and taxed accordingly.

**31.—(1)** Where a husband and wife are partners in any <sup>Husband and wife as</sup> business the total income from the business may in the dis- <sup>partners.</sup> cretion of the Treasurer be treated as income of the husband or the wife and taxed accordingly.

(2) Where a husband derives income as an employee of his <sup>Husband or wife as</sup> wife or *vice versa* any remuneration, paid to the husband or <sup>employee or</sup> wife shall not be chargeable as an expense of the business in <sup>employer.</sup> determining the net profit thereof.

(3) Where the husband or wife of a partner in any business <sup>Husband or wife as</sup> receives any salary or any other remuneration therefrom, <sup>employee</sup> the portion of the remuneration paid that bears a similar <sup>of a</sup> proportion to the interest of the wife or husband, as the <sup>partnership</sup> case may be, in the partnership business shall be added to <sup>in which</sup> the income of the said wife or husband and taxed accordingly. <sup>husband or wife is a</sup> <sup>partner.</sup>

## TRANSFERS TO EVADE TAXATION

**32.—(1)** Where a person transfers property to his children <sup>Transfer of</sup> whether the transfer is absolute and irrevocable, in trust or <sup>property.</sup> otherwise, such person shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made, unless the Treasurer is satisfied that such transfer was not made for the purpose of evading the taxes imposed under this Act.

(2) Where a husband transfers property to his wife, or *vice versa*, whether the transfer is absolute and irrevocable in trust or otherwise, the husband or the wife, as the case may be, shall nevertheless be liable to be taxed on the income derived from such property or from property substituted therefor as if such transfer had not been made.

## PART V

## RETURNS

## GENERAL

Annual  
returns.

**33.**—(1) Every person liable to taxation under this Act shall, on or before the thirtieth day of April in each year, without any notice or demand and any person whether liable to taxation hereunder or not, upon receipt of a notice or demand in writing from the Controller of Revenue or the Commissioner of Income Tax, or any officer of the Government of Canada on behalf of the Government of Ontario or any officer of the Government of Ontario authorized to make such demand, deliver to the Treasurer or the Minister a return in such form as the Treasurer or the Minister may prescribe, of his total income during the last preceding year.

Address to  
be stated.

(2) In such return the taxpayer shall state an address in Ontario to which all notices and other documents to be mailed or served under this Act may be mailed or served.

## PARTNERS AND PROPRIETORS OF BUSINESS

Partnership  
fiscal  
periods.

**34.** A member of a partnership or the proprietor of a business whose fiscal period or periods is other than the calendar year shall make a return of his income and have the tax payable computed upon the income from the business for the fiscal period or periods ending within the calendar year for which the return is being made, but his return of income derived from sources other than his business shall be made for the calendar year.

## GUARDIANS AND OTHER LEGAL REPRESENTATIVES

Return by  
guardian,  
legal repre-  
sentative,  
etc.

**36.**—(1) If a person is unable for any reason to make the return hereinbefore required, such return shall be made by the guardian, curator, tutor or other legal representative of such person, or if there is no such legal representative, by someone acting as agent for such person.

Deceased  
persons.

(2) In the case of the estate of any deceased person, the return shall be made by the executor, administrator or heir of such deceased person.

Treasurer's  
power.

(3) If there is no person to make a return under the provisions of this section, the return shall be made by such person as may be required by the Treasurer to make such return.

## TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

**37.** Every trustee in bankruptcy, assignee, liquidator, Trustee, assignee, executor, curator, receiver, administrator, heir, executor and such other like person or legal representative administering, managing, etc., winding-up, controlling, or otherwise dealing with the property, returns. business or estate of any person who has not made a return for any taxable period or for any portion of a taxable period for which such person was required to make a return in accordance with the provisions of this Act shall make such return.

## INFORMATION RETURNS

**39.—(1)** All employers shall make a return of all persons in Returns by their employ receiving any salary or other remuneration in employers. excess of such an amount as the Treasurer may prescribe.

(2) All corporations and associations shall make a return of Returns of all dividends and bonuses paid to shareholders and members. etc.

(2a) All debtors paying interest on any fully registered bonds Returns of or debentures shall make a return of all interest so paid. interest paid on fully registered bonds and debentures.

(3) All persons and corporations in whatever capacity acting, having the control, receipt, disposal or payment of Returns by fixed or determinable annual or periodical gains, profits or agents. income of any taxpayer, shall make and render a separate and distinct return to the Treasurer of such gains, profits or income, containing the name and address of each taxpayer.

(4) Such returns shall be delivered to the Treasurer on or Information before the last day of February in each year, without any returns. Last day of notice or demand being made therefor, and in such form as February. the Treasurer may prescribe.

(5) All persons and corporations in whatever capacity Information acting, making payment of interest, royalties, rents, annuities, to be given as to compensation, remuneration or other fixed or determinable payments. amounts, such as interest upon bonds, mortgages, deeds of trust or other similar obligations, and also payments under contracts, whether written or verbal, relating to the buying and selling and otherwise dealing in stocks, bonds, debentures, mortgages, hypothecs, and other similar securities, shall without any notice or demand being made therefor, render on such forms and at such times as the Treasurer may prescribe a true and accurate return of the amounts paid in excess of such sums as the Treasurer decides, together with the names and addresses of the recipients. For the purposes of this subsection payment shall include amounts credited to the creditor during the fiscal period of the debtor.



## EXTENSION OF TIME FOR RETURNS

Enlarging  
time for  
returns.

**40.** The Treasurer may at any time enlarge the time for making any return.

## DEMAND FOR ADDITIONAL INFORMATION

Demand for  
additional  
information.

**41.**—(1) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information or a return from any person or corporation who has not made a return, or a complete return, he may, by registered letter, demand from such person or corporation such information, additional information or return.

Thirty  
days' delay.

(2) Such person or corporation shall deliver to the Treasurer such information, additional information or return within thirty days from the date of mailing of such registered letter.

Compliance  
of Treasurer  
with Act  
to be  
proved by  
affidavit.

(3) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as default hereunder shall be sufficiently proved in any court of law by the affidavit of the Controller of Revenue, Commissioner of Income Tax or of any officer of the Treasury Department of the Province of Ontario.

Copy of  
letter.

(4) Such affidavit shall have attached thereto as an exhibit a copy or duplicate of the said letter.

## PRODUCTION OF DOCUMENTS

Production  
of letters,  
accounts,  
etc.

**42.** The Treasurer may require the production, or the production on oath, by the taxpayer or by his agent or officer, or by any person or corporation holding, or paying, or liable to pay, any portion of the income of any taxpayer, of any letters, accounts, invoices, statements and other documents.

Production  
of letters,  
books, etc.,  
by person,  
corporation  
or agent or  
officer  
to prove tax  
payable by  
another.

**43.** The Treasurer may require and demand the production, or the production on oath, by any person or corporation or the agent, or officer thereof, of any letters, accounts, invoices, statements financial or otherwise, books or other documents, held by such person, corporation, agent, or officer, for the purpose of arriving at the tax believed to be payable by any other person, and the same shall be produced within thirty days from the date of mailing of such demand.

## INFORMATION FROM RECIPIENTS OF INCOME

Persons in  
receipt of  
money, etc.,  
of another,  
to produce  
information  
required.

**44.** Every person or corporation who, in whatever capacity acting is in receipt of any money, thing of value, or of profits, or gains arising from any source, of or belonging to any other

person shall, when required to do so by notice from the Treasurer, prepare and deliver to the Treasurer any information required, within thirty days from the date of the mailing of such notice.

#### INQUIRY AS TO INCOME OF ANY TAXPAYER

45. Any officer authorized thereto by the Treasurer may make such inquiry as he may deem necessary for ascertaining the income of any taxpayer, and for the purposes of such inquiry such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*. Inquiry as to income.  
Rev. Stat.,  
c. 20.

#### KEEPING OF BOOKS OR ACCOUNTS

46. If a taxpayer fails or refuses to keep adequate books or accounts for income tax purposes, the Treasurer may require the taxpayer to keep such records and accounts as he may prescribe. Books or accounts must be kept

#### RETURN OR INFORMATION NOT BINDING ON TREASURER

47. The Treasurer shall not be bound by any return or information supplied by or on behalf of a taxpayer, and notwithstanding such return or information, or if no return has been made, the Treasurer may determine the amount of the tax to be paid by any person. Treasurer not bound by return.

### PART VI

#### PAYMENT OF TAX

##### INSTALMENT OF TAX WITH RETURN

48.—(1) Every person liable to pay any tax under this Act shall send with the return of the income upon which such tax is payable, not less than one-quarter of the amount of such tax or such other portion as the Lieutenant-Governor in Council may determine and may pay the balance, if any, of such tax in not more than three equal bi-monthly instalments thereafter or such other instalments as the Lieutenant-Governor in Council may determine, together with interest at the rate of six per centum per annum or such other rate as the Lieutenant-Governor in Council may determine, upon each instalment from the last day prescribed for making such return to the time payment is made. Portion of tax to be forwarded with return; balance may be paid by instalments with interest.

(2) All taxes, interest and penalties shall be paid to the Treasurer or to the Receiver-General of Canada for and on account of the Treasurer and shall form part of the Consolidated Revenue Fund of Ontario. Payment to Treasurer or Receiver General.

# ADDITIONS TO THE TAX IN CASE OF DEFICIENCY

Penalty  
for short  
payment.

**49.** If any person liable to pay any tax under this Act pays as any instalment less than one-quarter, or such other portion as may be determined by the Lieutenant-Governor in Council under the provisions of section forty-eight, of the tax as estimated by him, or should he fail to make any payment at the time of filing his return or at the time when any instalment should be paid, he shall pay, in addition to the interest provided by section forty-eight, additional interest at the rate of four per centum per annum, or such other rate as the Lieutenant-Governor in Council may determine upon the deficiency from the date of default to the date of payment.

## OBLIGATION OF TRUSTEES IN BANKRUPTCY AND OTHER FIDUCIARIES

Fiduciaries  
to pay  
before  
distribution

**50.** Every person or corporation who is required by section thirty-seven of this Act to make a return of income shall pay any tax and interest and penalties assessed and levied with respect to such income before making any distribution of the property, business or estate which he is administering, managing, winding-up or otherwise controlling or dealing with.

Fiduciaries  
to obtain  
certificate.

**51.**—(1) Every trustee in bankruptcy, assignee, administrator, executor and other like person, before distributing any assets under his control shall obtain a certificate from the Treasurer certifying that no unpaid assessment of income tax, interest and penalties properly chargeable against the person, property, business or estate, as the case may be, remains outstanding.

Personal  
liability.

(2) Distribution without such certificate shall render the trustee in bankruptcy, assignee, administrator, executor and other like person personally liable for the tax, interest and penalties.

## OVERPAYMENTS

Returns  
examined.

**53.**—(1) The returns received by the Treasurer shall with all due despatch be checked and examined.

Refund of  
over-  
payments.

(2) In all cases where such examination discloses that an overpayment has been made by a taxpayer the Treasurer shall make a refund of the amount so overpaid by such taxpayer, except in cases where any instalment or instalments are either due or falling due by such taxpayer, when the amount of the overpayment shall be applied on such instalment or instalments and notice of such action shall be given such taxpayer accompanied by the payment of the balance, if any, of the amount overpaid.



## PART VII

## ASSESSMENT

## NOTICE OF ASSESSMENT

54.—(1) After examination of the taxpayer's return the Treasurer shall send a notice of assessment to the taxpayer verifying or altering the amount of the tax as estimated by him in his return. Notice of assessment.

(2) Any additional tax found due over the estimated amount shall be paid within one month from the date of the mailing of the notice of assessment. Payment of additional tax.

(3) If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by section forty-eight, interest at the rate of four per centum per annum, or such other rate as the Lieutenant-Governor in Council may determine, upon the said additional tax, from the expiry of the period of one month from the date of the mailing of the said notice to the date of payment. Interest.

## CONTINUATION OF LIABILITY FOR TAX

55. Notwithstanding any prior assessment, or if no assessment has been made, the taxpayer shall continue to be liable for any tax and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax, interest and penalties. Continuation of liability for tax.

## REFUND OF OVERPAYMENT

56. The Treasurer may, at or prior to the issue of the notice of assessment, refund, without application therefor, any overpayment made by the taxpayer, or after the issue of the notice of assessment, provided application in writing is made therefor by the taxpayer within twelve months from the date of payment of the tax or the date at which the notice of assessment was issued. Refund of overpayment to taxpayer.

## PART VIII

## APPEALS AND PROCEDURE

## NOTICE OF APPEAL

Notice of  
appeal.

**58.**—(1) Any person who objects to the amount at which he is assessed, or who considers that he is not liable to taxation under this Act, may personally or by his solicitor, within one month after the date of mailing of the notice of assessment provided for in section fifty-four of this Act, serve a notice of appeal upon the Treasurer or the Minister.

Notice in  
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer or the Minister.

Form of  
notice of  
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the Second Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

## REVIEW OF ASSESSMENT

Decision  
to affirm  
or amend  
assessment.

**59.** Upon receipt of the said notice of appeal the Treasurer or the Minister shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant of his decision by registered post.

## NOTICE OF DISSATISFACTION

Notice of  
dissatisfac-  
tion  
respecting  
the decision.

**60.**—(1) If the appellant, after receipt of the said decision, is dissatisfied therewith, he may, within one month from the date of the mailing of the said decision, mail to the Treasurer or the Minister by registered post, a notice entitled;

## THE INCOME TAX ACT OF ONTARIO, 1936

## NOTICE OF DISSATISFACTION

In re the appeal of: ..... of the ..... of  
..... in the Province of .....  
stating that he desires his appeal to be set down for trial.

Statement  
with notice.

(2) The appellant shall forward therewith a final statement of such further facts, statutory provisions and reasons which he intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions

and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

#### SECURITY FOR COSTS

**61.**—(1) The party appealing shall thereupon give security <sup>Security</sup> in four hundred dollars for the costs of the appeal in a form satisfactory to the Treasurer or the Minister, provided that in lieu of other security the party appealing may pay into court the sum of two hundred dollars in which case such party shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer or the Minister specifying the fact and purpose of such payment.

(2) Unless such security is furnished by the party appealing <sup>Proceedings</sup> within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall <sup>be voided.</sup> become null and void.

#### REPLY

**62.** Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and <sup>Decision upon receipt of statement of facts.</sup> confirming or amending the assessment or any amended, additional or subsequent assessment.

#### PROCEEDINGS IN COURT

**63.**—(1) Within two months from the date of the mailing <sup>Copy of documents to be filed.</sup> of the said reply, the Treasurer or the Minister shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said court for the county or district in which the appellant resides or carries on business, to be filed in the said court, copies of the following documents:

- (a) The Income Tax Return of the appellant, if any, for the period under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

(2) The matter shall thereupon be deemed to be an action <sup>Matter deemed action.</sup> in the said court and shall be set down for trial forthwith by the registrar or local registrar as the case may be and thereafter shall be proceeded with in the same manner as an action commenced in the said court, provided that the court or a



judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme  
Court  
practice to  
govern.

(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said court.

Title of  
cause.

**64.** All subsequent proceedings shall be entitled:

In re *The Income Tax Act of Ontario, 1936*, and the appeal of .....of.....in the Province of..... and notice and copies of all further proceedings shall be served upon the Treasurer or Minister.

Conditional  
limitation  
of evidence

**65.**—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the court or a judge thereof may direct.

Matter may  
be referred  
back to  
Treasurer or  
Minister.

(2) The court may refer the matter back to the Treasurer or the Minister for further consideration.

Jurisdiction  
of court.

**66.** Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said court may seem right and proper.

Irregu-  
larities not  
to affect  
validity of  
assessment.

**67.** An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings  
in camera.

**68.** Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the court by any party to the proceedings.

Right of  
appeal  
barred.

**69.** If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the person assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

## PART IX

## REMEDIES OF CROWN TO RECOVER TAXES, ETC.

## ACTIONS IN THE COURTS

**70.** All taxes, interest, penalties and costs assessed or imposed or ordered to be paid under the provisions of this Act, shall be deemed to be a debt due to His Majesty in right of the province of Ontario and shall be recoverable as such in the Supreme Court of Ontario or in any other court of competent jurisdiction in the name of His Majesty in right of the province of Ontario or in such other manner as is in this Act provided. Taxes a debt due the Crown.

## COLLECTION FROM THE DEBTOR OF A TAXPAYER

**72.**—(1) When the Treasurer or the Minister has knowledge or suspects that any person or corporation is or is about to become indebted to a taxpayer he may, by registered letter, demand of such person or corporation that the moneys otherwise payable to the taxpayer be in whole or in part, paid over to the Receiver General of Canada for and on account of the Treasurer of Ontario on account of said taxpayer's liability under the provisions of this Act. Collection of tax from third party.

(2) The receipt of the Treasurer or the Minister therefor shall constitute a good and sufficient discharge of the liability of such person or corporation to said taxpayer to the extent of the amount referred to in the receipt. Receipt to be a discharge.

(3) Any person or corporation discharging any liability to a taxpayer after receipt of the registered letter herein referred to shall be personally liable to the extent of the liability discharged as between him and the taxpayer or to the extent of the liability of the taxpayer for taxes, interest and penalties whichever is the lesser amount. Personal liability.

## DISTRESS

**73.**—(1) If any person not having given notice of appeal neglects or refuses to pay any tax, interest or penalty or instalment of tax due under this Act, the Treasurer or the Minister, on giving ten days' notice by registered mail addressed to the last known place of residence of the taxpayer, may issue a certificate declaring said person to be in default and may authorize any person whom he deems proper upon receipt of such certificate to distrain the goods and chattels of the person so in default. Distress in default of payment.

Sale of  
goods by  
auction.

(2) The distress levied in accordance with this section shall be kept for ten days at the cost and charges of the person neglecting or refusing to pay and if the person aforesaid does not pay the sum due, together with the costs and charges within the said ten days the goods and chattels distrained shall be sold by public auction.

Notice  
of sale.

(3) Except in the case of perishable goods, notice of such sale setting forth the time and place thereof together with a general description of the goods to be sold shall be published at least once in one or more of the local newspapers of general local circulation.

Return of  
surplus

(4) Any surplus resulting from the distress after deduction of the amount owing by the taxpayer and all costs and charges shall be restored to the owner of the goods distrained.

Exemptions.  
Rev. Stat.,  
c. 112.

(5) Such goods and chattels of any person in default as would be exempt from seizure under the provisions of *The Execution Act* shall be exempt from distress under this section.

#### COLLECTION FROM TAXPAYER LEAVING ONTARIO

Demand for  
payment if  
taxpayer  
is leaving  
Ontario.

**74.**—(1) The Treasurer or the Minister if he suspects that the taxpayer is about to leave Ontario may, for that or any other reason, by registered letter addressed to the taxpayer, demand payment of all taxes, penalties and accrued interest, for which the taxpayer is liable, and the same shall be paid within ten days from the date of mailing of such registered letter, notwithstanding any other provisions in this Act contained.

Seizure of  
goods upon  
non-  
payment.

(2) Non-payment of the said tax within the specified time shall render the goods of the taxpayer liable to seizure by the sheriff of the city, county or district in which the goods of the taxpayer are situate.

Certificate  
to authorize  
seizure.

(3) A certificate of non-compliance with any such demand signed by the Controller of Revenue or the Commissioner of Income Tax, setting forth the particulars of the demand and placed in the hands of the sheriff, shall be sufficient authority to him to seize sufficient of the goods of the taxpayer to meet the said demand.

Sale

(4) The sale of such goods and the disposition of the moneys realized shall be conducted in the manner prescribed by the law of the province of Ontario as if the seizure were made under a writ of execution issued out of the Supreme Court of Ontario.



## PART X

## ADMINISTRATION

**75.**—(1) The administration of this Act, the control and management of the collection of the taxes imposed under this Act, and all matters incident thereto, and of the officers and persons employed, shall be vested in the Treasurer. Administration by Treasurer.

(2) Subject to the approval of the Lieutenant-Governor in Council, the Treasurer may make regulations necessary for the carrying out of the provisions of this Act. Regulations to exercise authorized powers.

**76.**—(1) The Lieutenant-Governor in Council may from time to time appoint such officers and other persons as may be necessary to administer the provisions of this Act or any Order-in-Council or regulations made thereunder, and fix salaries and the time and manner of payment thereof. Appointment of officers to administer Act and their salaries.

(2) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of, or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue under this Act as may be specified in the said agreement. Agreement between Treasurer and Minister.

(3) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act. Expenses.

## PART XI

## OFFENCES AND PENALTIES

**77.**—(1) Every person failing to deliver a return pursuant to the provisions of section thirty-three within the time limited therefor shall be liable to a penalty of five per centum of the tax payable by such person: Provided, however, that such penalty shall not in any case exceed five hundred dollars. Penalty for failure to file return under Section 33.

(2) Every person or corporation failing to deliver a return pursuant to the provisions of sections thirty-six to thirty-nine inclusive, within the time limited therefor, shall be liable to a penalty of ten dollars for each day of default: Provided, however, that such penalty shall not in any case exceed fifty dollars. Other returns.

**Employers.** (3) In the case of a return by an employer required by subsection one of section thirty-nine of this Act, the penalty shall be further limited to two dollars for every day of default with a maximum of fifty dollars.

**Returns to be completed.** (4) Every person failing to complete the information required on the prescribed forms for reporting income as required by section thirty-three of this Act, shall be liable to a penalty of one per centum of the tax payable by such person; Provided, however, that such penalty shall not in any case be less than one dollar and shall not in any case exceed twenty dollars.

**Time of default in filing returns extended in the case of religious institutions and others.** **78.** In the case of religious, charitable, agricultural and educational institutions and boards of trade and chambers of commerce, default shall not be deemed to have commenced until the expiry of thirty days from the date of the mailing of a demand for a return.

**Default in complying with provisions of Secs. 41-46.** **79.** For every default in complying with the provisions of sections forty-one to forty-six inclusive, the persons or corporations in default shall each be liable on summary conviction to a penalty of not less than twenty-five dollars for each day during which the default continues.

**False statement in any returns, etc.** **80.—(1)** Any person making a false statement in any return whether or not such return is made voluntarily or in compliance with a demand therefor, or in any information required by the Treasurer or the Minister shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or six months' imprisonment, or to both fine and imprisonment.

**Information or complaint within three years.** (2) Any information or complaint with respect to any offence against the provisions of this Act may be laid or made within three years from the time when the matter of the information or complaint arose.

**Secrecy.** **81.—(1)** No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

**Penalty** (2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding two hundred dollars.

**Information to be laid.** **82.** Any person authorized by the Treasurer or the Minister may institute proceedings under this Act.

**83.**—(1) If any person omits to declare any dividends, rentals, interest, royalties or other like income which, on any inquiry or on information obtained from any person other than the taxpayer, is subsequently duly ascertained to have been received, such person may be assessed as if double the income so omitted from his return had been received. <sup>Omitted income doubled</sup>

(2) The estate of a deceased taxpayer shall be liable in respect of any tax arising by reason of any omission so ascertained whether the omission was discovered prior or subsequent to the decease of the taxpayer. <sup>Estate of deceased taxpayer.</sup>

(3) This section shall not be construed as providing for a penalty in substitution for any penalties otherwise provided for in this Act. <sup>Penalty not in substitution.</sup>

**84.**—(1) Any person violating any of the provisions of this Act or any regulations made thereunder, for which no other penalty is provided, shall be liable on summary conviction to a penalty not exceeding one thousand dollars. <sup>Other penalties.</sup>

(2) The penalties imposed by subsections 2 and 3 of section 77 and sections 79, 80, 81 and 84, may be recovered under *The Summary Convictions Act* and shall be payable to the Receiver General of Canada for and on account of the Treasurer of Ontario. <sup>Application of Rev. Stat., c. 121.</sup>

**85.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be applicable to the incomes of the year 1935 and all fiscal periods ending therein and to the incomes of all subsequent years and fiscal periods. <sup>Commencement of Act.</sup>



## FIRST SCHEDULE

Rates  
applicable  
to all  
individuals.

## A.—Rates of tax applicable

On the first \$1,000 of Net Income or any portion thereof in excess of Exemptions  $1\frac{1}{2}$  per centum or

- \$15. upon Net Income of \$1,000; and 2 per centum upon the amount by which the Income exceeds \$1,000 and does not exceed \$2,000 or
- \$35. upon Net Income of \$2,000; and  $2\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$2,000 and does not exceed \$3,000 or
- \$60. upon Net Income of \$3,000; and 3 per centum upon the amount by which the Income exceeds \$3,000 and does not exceed \$4,000 or
- \$90. upon Net Income of \$4,000; and  $3\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$4,000 and does not exceed \$5,000 or
- \$125. upon Net Income of \$5,000; and 4 per centum upon the amount by which the Income exceeds \$5,000 and does not exceed \$6,000 or
- \$165. upon Net Income of \$6,000; and  $4\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$6,000 and does not exceed \$7,000 or
- \$210. upon Net Income of \$7,000; and 5 per centum upon the amount by which the Income exceeds \$7,000 and does not exceed \$8,000 or
- \$260. upon Net Income of \$8,000; and  $5\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$8,000 and does not exceed \$9,000 or
- \$315. upon Net Income of \$9,000; and 6 per centum upon the amount by which the Income exceeds \$9,000 and does not exceed \$10,000 or
- \$375. upon Net Income of \$10,000; and  $6\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$10,000 and does not exceed \$11,000 or
- \$440. upon Net Income of \$11,000; and 7 per centum upon the amount by which the Income exceeds \$11,000 and does not exceed \$12,000 or
- \$510. upon Net Income of \$12,000; and  $7\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$12,000 and does not exceed \$13,000 or
- \$585. upon Net Income of \$13,000; and 8 per centum upon the amount by which the Income exceeds \$13,000 and does not exceed \$14,000 or
- \$665. upon Net Income of \$14,000; and  $8\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$14,000 and does not exceed \$15,000 or
- \$750. upon Net Income of \$15,000; and 9 per centum upon the amount by which the Income exceeds \$15,000 and does not exceed \$16,000 or

- \$840. upon Net Income of \$16,000; and  $9\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$16,000 and does not exceed \$17,000 or
- \$935. upon Net Income of \$17,000; and 10 per centum upon the amount by which the Income exceeds \$17,000 and does not exceed \$18,000 or
- \$1,035. upon Net Income of \$18,000; and  $10\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$18,000 and does not exceed \$19,000 or
- \$1,140. upon Net Income of \$19,000; and 11 per centum upon the amount by which the Income exceeds \$19,000 and does not exceed \$20,000 or
- \$1,250. upon Net Income of \$20,000; and  $11\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$20,000 and does not exceed \$25,000 or
- \$1,825. upon Net Income of \$25,000; and 12 per centum upon the amount by which the Income exceeds \$25,000 and does not exceed \$30,000 or
- \$2,425. upon Net Income of \$30,000; and  $12\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$30,000 and does not exceed \$35,000 or
- \$3,050. upon Net Income of \$35,000; and 13 per centum upon the amount by which the Income exceeds \$35,000 and does not exceed \$40,000 or
- \$3,700. upon Net Income of \$40,000; and  $13\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$40,000 and does not exceed \$45,000 or
- \$4,375. upon Net Income of \$45,000; and 14 per centum upon the amount by which the Income exceeds \$45,000 and does not exceed \$50,000 or
- \$5,075. upon Net Income of \$50,000; and  $14\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$50,000 and does not exceed \$55,000 or
- \$5,800. upon Net Income of \$55,000; and 15 per centum upon the amount by which the Income exceeds \$55,000 and does not exceed \$60,000 or
- \$6,550. upon Net Income of \$60,000; and  $15\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$60,000 and does not exceed \$65,000 or
- \$7,325. upon Net Income of \$65,000; and 16 per centum upon the amount by which the Income exceeds \$65,000 and does not exceed \$70,000 or
- \$8,125. upon Net Income of \$70,000; and  $16\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$70,000 and does not exceed \$75,000 or
- \$8,950. upon Net Income of \$75,000; and 17 per centum upon the amount by which the Income exceeds \$75,000 and does not exceed \$80,000 or
- \$9,800. upon Net Income of \$80,000; and  $17\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$80,000 and does not exceed \$85,000 or
- \$10,675. upon Net Income of \$85,000; and 18 per centum upon the amount by which the Income exceeds \$85,000 and does not exceed \$90,000 or

- \$11,575. upon Net Income of \$90,000; and  $18\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$90,000 and does not exceed \$95,000 or
- \$12,500. upon Net Income of \$95,000; and 19 per centum upon the amount by which the Income exceeds \$95,000 and does not exceed \$100,000 or
- \$13,450. upon Net Income of \$100,000; and  $19\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$100,000 and does not exceed \$110,000 or
- \$15,400. upon Net Income of \$110,000; and 20 per centum upon the amount by which the Income exceeds \$110,000 and does not exceed \$120,000 or
- \$17,400. upon Net Income of \$120,000; and  $20\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$120,000 and does not exceed \$130,000 or
- \$19,450. upon Net Income of \$130,000; and 21 per centum upon the amount by which the Income exceeds \$130,000 and does not exceed \$140,000 or
- \$21,550. upon Net Income of \$140,000; and  $21\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$140,000 and does not exceed \$150,000 or
- \$23,700. upon Net Income of \$150,000; and 22 per centum upon the amount by which the Income exceeds \$150,000 and does not exceed \$175,000 or
- \$29,200. upon Net Income of \$175,000; and  $22\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$175,000 and does not exceed \$200,000 or
- \$34,825. upon Net Income of \$200,000; and 23 per centum upon the amount by which the Income exceeds \$200,000 and does not exceed \$225,000 or
- \$40,575. upon Net Income of \$225,000; and  $23\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$225,000 and does not exceed \$250,000 or
- \$46,450. upon Net Income of \$250,000; and 24 per centum upon the amount by which the Income exceeds \$250,000 and does not exceed \$275,000 or
- \$52,450. upon Net Income of \$275,000; and  $24\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$275,000 and does not exceed \$300,000 or
- \$58,575. upon Net Income of \$300,000; and 25 per centum upon the amount by which the Income exceeds \$300,000 and does not exceed \$325,000 or
- \$64,825. upon Net Income of \$325,000; and  $25\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$325,000 and does not exceed \$350,000 or
- \$71,200. upon Net Income of \$350,000; and 26 per centum upon the amount by which the Income exceeds \$350,000 and does not exceed \$375,000 or
- \$77,700. upon Net Income of \$375,000; and  $26\frac{1}{2}$  per centum upon the amount by which the Income exceeds \$375,000 and does not exceed \$400,000 or











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*1st Reading*

February 11th, 1936

*2nd Reading*

February 19th, 1936

*3rd Reading*

February 27th, 1936

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MR. LEDUC

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No. 52

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Land Surveyors Act, 1931.

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MR. STRACHAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend The Land Surveyors Act, 1931.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Land Surveyors Amendment Act, 1936*.

1931, c. 41,  
s. 2, cl. b,  
re-enacted.

**2.** Clause *b* of section 2 of *The Land Surveyors Act, 1931*, is repealed and the following substituted therefor:

"Surveyor."

(b) "Surveyor" shall mean a person who practises the profession of land surveyor, or a person, other than an employee of an Ontario Land Surveyor, who for gain either by himself or by some other person surveys, establishes, locates or defines any boundary, limit or angle of any land, location, claim, limit, common, road, street, lane, way, gore, reserve, concession, section, block, lot, village, town, city, township or other parcel of land or division or property.

1931, c. 41,  
s. 3, subs. 1,  
re-enacted.

**3.** Subsection 1 of section 3 of *The Land Surveyors Act, 1931*, is repealed and the following substituted therefor:

Who may  
act as a  
land  
surveyor.

(1) No person shall act as a surveyor in Ontario unless authorized to practise as a land surveyor according to the provisions of this Act, and unless registered under the provisions of this Act.

1931,  
c. 41, s. 9,  
re-enacted.

**4.** Section 9 of *The Land Surveyors Act, 1931*, is repealed and the following substituted therefor:

By-laws.

**9.—(1)** The council may pass by-laws:

(a) for the government, discipline and honour of its members including the definition of what shall be considered professional misconduct or conduct unbecoming a surveyor;

#### EXPLANATORY NOTES

Section 2. The clause defining surveyor is repealed and a new clause substituted.

Section 3. The new definition of surveyor adopts much of the language of the present subsection 1 of section 3, so that the subsection as recast is shortened.

Section 4. Subsection 1 of the proposed section 9 gives the "Council" of the Association power to define professional misconduct or conduct unbecoming a surveyor and to pass such by-laws as may be considered necessary or expedient for the well-being of the Association or its members.

- (b) for the management of its property;
- (c) for the examination and admission of candidates for the study or practice of the profession;
- (d) for all such other purposes as the council may consider necessary or expedient for the well-being of the Association or of the members thereof.

Ratification.

- (2) No by-law shall be effective until ratified by the Association in annual or in special general meeting duly called for the purpose.

Annulment.

- (3) Any by-law may be annulled by the Lieutenant-Governor in Council.

1931,  
c. 41, s. 35,  
subs. 1,  
re-enacted.

**5.** Subsection 1 of section 35 of *The Land Surveyors Act, 1931*, is repealed and the following substituted therefor:

Right to  
use title.

- (1) A person registered under this Act shall be entitled to take or use the name or title of "Ontario Land Surveyor" and unless so registered no person shall be entitled to take or use the name or title of "Ontario Land Surveyor" either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

1931,  
c. 41, s. 37,  
re-enacted.

**6.** Section 37 of *The Land Surveyors Act, 1931*, is repealed and the following substituted therefor:

Right of  
council to  
reprimand,  
censure  
and expel  
member.

- 37.—(1) Where a surveyor has been found by the council, after due inquiry by a committee of the Association, appointed pursuant to the by-laws of the Association, to have been guilty of a breach of the by-laws of the Association, or of gross negligence, or of professional misconduct, or of conduct unbecoming a surveyor, or where a surveyor has been convicted in Canada or elsewhere of an indictable offence other than a political offence committed out of His Majesty's Dominions, the council may reprimand or censure such surveyor or may suspend him from membership and from registration for such time as the council deems proper or may expel him from membership and from registration.

Appeal.

- (2) There shall be an appeal to a judge of the Supreme Court of Ontario from any order made by the council suspending or expelling a surveyor from membership.



Subsection 2 of the proposed section 9 provides that by-laws do not become effective until ratified by the Association.

Subsection 3 of the proposed section 9 provides that the Lieutenant-Governor in Council may annul any by-law.

Section 5 by positive enactment confers the right to use the name or title of "Ontario Land Surveyor".

Section 6: Section 37 of the Act of 1931 only gives power to suspend or dismiss a surveyor in the cases of "gross negligence" or "corruption in the execution of the duties of (his) office" or where the member has "been convicted of any crime." Section 6 of the Bill gives to the Association full powers of discipline, subject to a right of appeal to a judge of the Supreme Court with a further appeal to the Court of Appeal for Ontario.



Procedure  
on appeals.

- (3) Such appeal shall be by notice of motion served upon the president, vice-president or secretary-treasurer of the Association within fifteen days after service upon the surveyor of a copy of the decision appealed from, or within such further time as may be allowed by a judge of the Supreme Court of Ontario and the jurisdiction of the Supreme Court of Ontario and the practice and procedure on the appeal shall be the same *mutatis mutandis* as upon an appeal from a Master of the Supreme Court of Ontario.

Appeal from  
decision  
given under  
subsection 2.

- (4) By leave of a judge of the Court of Appeal for Ontario given on application made within fifteen days after the decision complained of, there shall be an appeal to the Court of Appeal for Ontario from any decision of a judge made under subsection 2 of this section.

Restoration  
to register.

- (5) The council may direct the secretary-treasurer to restore to the register, upon such terms and conditions as may be determined by the council, any entry or the name of any person removed therefrom.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend the Land Surveyors Act,  
1931.

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*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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No. 53

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Amendment Act, 1936*.

Rev. Stat.,  
c. 233, s. 56,  
subs. 1, cl. d,  
(1933, c. 37,  
s. 2, subs. 2),  
amended.      **2.**—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* as enacted by subsection 2 of section 2 of *The Municipal Amendment Act, 1933*, is amended by striking out the words "or so rated or entitled to be rated for income," in the fourth and fifth lines.

Rev. Stat.,  
c. 233, s. 56,  
subs. 3,  
re-enacted.      (2) Subsection 3 of the said section 56 is repealed, and the following subsections substituted therefor:

Right of  
persons  
paying  
provincial  
income tax  
to vote at  
municipal  
elections.

1936, c. ....

Rev. Stat.,  
c. 7.

(3) Every person of the full age of twenty-one years and a British subject by birth or naturalization, and not disqualified under this Act or by law from voting, who has paid in full an income tax of not less than \$15, under the provisions of *The Income Tax Act of Ontario, 1936*, within the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, shall be entitled to vote at a municipal election in the municipality in which he resides, either in respect to his place of residence or place of business therein, and to obtain a certificate entitling him to so vote upon producing to the clerk of the municipality at any time within thirty days prior to the day of polling for such election the official receipt evidencing payment of the said income tax.

Publication  
of notice as  
to income  
voters.

(3a) The clerk of every municipality shall once a week for not less than three weeks prior to the time for holding a municipal election, publish a notice in a newspaper having general circulation in the municipality, of the provisions of subsection 3.

#### EXPLANATORY NOTES

General. This Bill which is complementary to the Bill for imposition of the Provincial Income Tax includes amendments to *The Municipal Act* rendered essential by reason of incomes of individuals and personal corporations no longer being taxable by municipalities and for retention of the right of income taxpayers to vote at municipal elections.

Section 2 makes the necessary provisions to enable an income tax payer to vote at municipal elections upon securing a certificate from the clerk of the municipality, and presentation thereof at the polling place on election day.



Certificate  
for  
voting.

- (3b) Upon the clerk being satisfied that a person producing to him the receipt mentioned in subsection 3 is otherwise qualified to vote, and is a resident of the municipality, he shall issue to such person a certificate, Form 8B, authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list, to entitle him to vote as if his name had been entered thereon before the list was revised, and such person upon delivery and surrender of the certificate issued to him to the returning officer or deputy returning officer in charge of the polling place for the division or subdivision mentioned in the certificate, shall have the right to vote at the election.

No person  
to vote  
twice.

- (3c) No person by virtue of any certificate issued under this section shall be entitled to vote thereon in any ward or subdivision, if his name already appears on the voters' list for such ward or subdivision.

Rev. Stat.,  
c. 233, s. 60,  
subs. 1,  
amended.

3. Subsection 1 of section 60 of *The Municipal Act* is amended by striking out the words "in respect to income in any municipality or" in the third line.

Rev. Stat.,  
c. 233, s. 103,  
subs. 1, cl. a,  
repealed.

4. Clause a of subsection 1 of section 103 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 233, s. 295,  
subs. 2,  
amended.

5. Subsection 2 of section 295 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line.

Rev. Stat.,  
c. 233,  
amended.  
Form 8B  
added.

- 6.—(1) *The Municipal Act* is amended by adding thereto the following form:

## FORM 8B

(Referred to in section 56, subsection 3b)

Municipality of .....

CERTIFICATE TO ENTER ON VOTERS' LIST THE NAME OF A  
PERSON PAYING PROVINCIAL INCOME TAX.

I hereby certify that....., a resident of this municipality, having paid in full income tax of not less than \$15, under *The Income Tax Act of Ontario, 1936*, during the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and being otherwise qualified, is entitled to be entered on the voters' list for the municipality as a..... School Supporter, and to vote at the municipal poll to be held on the.....

Sections 3, 4 and 5 amend the Act because of the abolition of municipal taxation of income of individuals.

Section 6 prescribes the form of certificate to be given to income tax voters to enable them to vote and amends the form for swearing electors who vote in respect of income.

day of....., 19...., for Polling Subdivision No..... in the..... Ward (or as the case may be), and this is your authority for entering the name of such person on the voters' list accordingly, and for permitting him to vote as if his name had been entered before the said list was revised.

Given under my hand this.....day of....., 19.....

.....  
Clerk.

To the Returning Officer  
and Deputy Returning Officer

Polling Subdivision No..... of ..... Ward.

Rev. Stat.,  
c. 233,  
Form 9,  
amended.

(2) The third paragraph of clause c of paragraph 9 of Form 9 to *The Municipal Act* is repealed and the following substituted therefor:

*If the person claims to vote under the authority of a certificate, Form 8B, insert here:*

That on the.....day of.....19.... (the date of the certificate) you were, and henceforth have been continuously, and still are, a resident of this municipality, and that you are the person named in such certificate;

Incomes  
taxed  
by the  
Province  
not to be  
taxed by a  
municipality.

Rev. Stat.,  
cc. 233, 238.

7.—(1) Notwithstanding any of the provisions of *The Municipal Act*, or of *The Assessment Act*, or of any other general or special Act, no taxation for any of the purposes mentioned in any of the said Acts shall be assessed or levied upon the income of any person or corporation which by the provisions of *The Income Tax Act of Ontario, 1936*, is liable to taxation under that Act.

Amendment  
of assess-  
ment roll  
for 1936.

(2) The provisions of subsection 1 shall apply with respect to taxation levied or to be levied for the year 1936, notwithstanding that the assessment roll of a municipality upon which taxes for the year 1936 have been or are to be levied has been revised, and any assessments of income contained in such roll of persons and corporations liable to taxation under *The Income Tax Act of Ontario, 1936*, shall be, and be deemed to be, struck out and the amounts thereof subtracted therefrom, and the assessment roll as so amended shall for all the purposes of *The Municipal Act*, *The Assessment Act*, and any other general or special Act, be, and be deemed to be, the last revised assessment roll of the municipality.

Amendment  
of collector's  
roll for  
1936.

(3) If for any municipality the collector's roll of taxes for the year 1936 has been made and certified by the clerk, and it includes any rates or taxes levied on the assessed income of any person or corporation liable to taxation under *The Income Tax Act of Ontario, 1936*, the amounts so rated or taxed on such income, and all entries and particulars of such ratings and taxation, shall be, and be deemed to be, struck

Section 7 declares the law as to abolition of municipal income tax upon individuals and personal corporations and contains the necessary provisions to eliminate income assessments from the assessment rolls made for 1936 and income taxes from collectors' rolls for 1936 and for refunds if income tax for 1936 has been paid in advance, etc.



out and subtracted therefrom, and the same shall not be demanded of or collected from such person or corporation, and the collector's roll as so amended shall for all the purposes of *The Municipal Act*, *The Assessment Act*, and any other general or special Act be, and be deemed to be the collector's roll of taxes for the year 1936, of the said municipality.

Refunds if  
municipal  
income tax  
for 1936  
has been  
paid.

(4) Any person or corporation liable to taxation under *The Income Tax Act of Ontario, 1936*, who has paid or prepaid to a municipality any rate or taxes for the year 1936 levied on income shall be entitled to repayment from such municipality of the amount so paid or prepaid by him, upon production to the treasurer thereof of evidence that he or it has paid the income tax for the year 1936 under the provisions of *The Income Tax Act of Ontario, 1936*.

1889, c. 74,  
s. 1,  
re-enacted.

**8.** Section 1 of Chapter 74 of the Statutes of Ontario, 1889, is repealed, and the following substituted therefor:

Limitation  
of  
borrowings  
upon  
debentures  
by city of  
Toronto.

1. The corporation of the city of Toronto may, from time to time pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole twelve per centum of the assessed value of the whole of the rateable property in the city up to the first two hundred millions thereof, and eight per centum of the assessed value of said property beyond said sum of two hundred millions as established and shown, from time to time, by the last revised assessment rolls of the said city.

Refunds of  
business  
tax to  
individuals  
who pay  
provincial  
income tax.

**9.** Every person, other than a personal corporation, who pays income tax in any year under *The Income Tax Act of Ontario, 1936*, shall upon production of the official receipt in full for such tax to the treasurer of the municipality in which he resides, be entitled to a refund or deduction from the municipality of the amount of taxation paid or payable by him for the same year to such municipality in respect of business assessment; provided that no such refund or deduction shall exceed the amount of income tax paid by such person.

Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 8. The city of Toronto by Special Act has since 1889 been limited to issuing debentures up to  $12\frac{1}{2}\%$  of the first one hundred million dollars of its assessment plus 8% of the excess of assessments over that amount. The loss of income assessments will reduce the borrowing power and to offset such loss the limit is amended as provided in section 9 of this Bill, so that Toronto may borrow up to 12% of the first two hundred million of assessment and up to 8% of the excess thereof. The substituted provision places Toronto in practically the same position as it heretofore has been.

Section 9. Under *The Assessment Act* individuals who resided in a municipality in which they were subject to business assessment were allowed to deduct the amount of such assessment from their incomes derived from the business and only that part of the income which exceeded the business assessment was liable to income tax. With the transfer of income tax of individuals to the Province and because the Provincial Income Tax Bill does not provide for any deductions of business assessment, it is equitable to provide that individuals who pay provincial income and are assessed for business by the municipality in which they reside shall get a refund of business tax from such municipality. To avoid loss on the part of a municipality which makes such refunds, the Province will reimburse it up to the amount of the refunds to be provided for in a separate Bill.

The provision of *The Assessment Act* above referred to did not relate to corporations and applied only to individuals where the municipality which assessed them for business was also the one which assessed them on income.







An Act to amend The Municipal  
Act.

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*1st Reading*

February 14th, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. CROLL

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# BILL

## An Act to amend The Municipal Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1936*.

Rev. Stat.,  
c. 233, s. 56,  
subs. 1, cl. d,  
(1933, c. 37,  
s. 2, subs. 2),  
amended. **2.**—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* as enacted by subsection 2 of section 2 of *The Municipal Amendment Act, 1933*, is amended by striking out the words "or so rated or entitled to be rated for income," in the fourth and fifth lines.

Rev. Stat.,  
c. 233, s. 56,  
subs. 3,  
re-enacted. (2) Subsection 3 of the said section 56 is repealed, and the following subsections substituted therefor:

Right of  
persons  
paying  
provincial  
income tax  
to vote at  
municipal  
elections.

1936, c. 1

Rev. Stat.,  
c. 7.

(3) Every person of the full age of twenty-one years and a British subject by birth or naturalization, and not disqualified under this Act or by law from voting, who has paid in full an income tax of not less than \$15, under the provisions of *The Income Tax Act of Ontario, 1936*, within the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, shall be entitled to vote at a municipal election in the municipality in which he resides, either in respect to his place of residence or place of business therein, and to obtain a certificate entitling him to so vote upon producing to the clerk of the municipality at any time within thirty days prior to the day of polling for such election the official receipt evidencing payment of the said income tax.

Publication  
of notice as  
to income  
voters.

(3a) The clerk of every municipality shall once a week for not less than three weeks prior to the time for holding a municipal election, publish a notice in a newspaper having general circulation in the municipality, of the provisions of subsection 3.

### EXPLANATORY NOTES

**General.** This Bill which is complementary to the Bill for imposition of the Provincial Income Tax includes amendments to *The Municipal Act* rendered essential by reason of incomes of individuals and personal corporations no longer being taxable by municipalities and for retention of the right of income taxpayers to vote at municipal elections.

Section 2 makes the necessary provisions to enable an income tax payer to vote at municipal elections upon securing a certificate from the clerk of the municipality, and presentation thereof at the polling place on election day.



Certificate  
for  
voting.

(3b) Upon the clerk being satisfied that a person producing to him the receipt mentioned in subsection 3 is otherwise qualified to vote, and is a resident of the municipality, he shall issue to such person a certificate, Form 8B, authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list, to entitle him to vote as if his name had been entered thereon before the list was revised, and such person upon delivery and surrender of the certificate issued to him to the returning officer or deputy returning officer in charge of the polling place for the division or subdivision mentioned in the certificate, shall have the right to vote at the election.

No person  
to vote  
twice.

(3c) No person by virtue of any certificate issued under this section shall be entitled to vote thereon in any ward or subdivision, if his name already appears on the voters' list for such ward or subdivision.

Rev. Stat.,  
c. 233, s. 60,  
subs. 1,  
amended.

3. Subsection 1 of section 60 of *The Municipal Act* is amended by striking out the words "in respect to income in any municipality or" in the third line.

Rev. Stat.,  
c. 233, s. 103,  
subs. 1, cl. a,  
repealed.

4. Clause *a* of subsection 1 of section 103 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 233, s. 295,  
subs. 2,  
amended.

5. Subsection 2 of section 295 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line.

Rev. Stat.,  
c. 233,  
amended.  
Form 8B  
added.

6.—(1) *The Municipal Act* is amended by adding thereto the following form:

## FORM 8B

(Referred to in section 56, subsection 3b)

Municipality of .....

### CERTIFICATE TO ENTER ON VOTERS' LIST THE NAME OF A PERSON PAYING PROVINCIAL INCOME TAX.

I hereby certify that ....., a resident of this municipality, having paid in full income tax of not less than \$15, under *The Income Tax Act of Ontario, 1936*, during the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and being otherwise qualified, is entitled to be entered on the voters' list for the municipality as a ..... School Supporter, and to vote at the municipal poll to be held on the .....

Sections 3, 4 and 5 amend the Act because of the abolition of municipal taxation of income of individuals.

Section 6 prescribes the form of certificate to be given to income tax voters to enable them to vote and amends the form for swearing electors who vote in respect of income.

day of....., 19...., for Polling Subdivision No.....  
in the.....Ward (or as the case may be), and this is your  
authority for entering the name of such person on the voters' list  
accordingly, and for permitting him to vote as if his name had been  
entered before the said list was revised.

Given under my hand this.....day of....., 19....

.....  
Clerk.

To the Returning Officer  
and Deputy Returning Officer

Polling Subdivision No..... of ..... Ward.

Rev. Stat.,  
c. 233,  
Form 9,  
amended.

(2) The third paragraph of clause *c* of paragraph 9 of  
Form 9 to *The Municipal Act* is repealed and the following  
substituted therefor:

*If the person claims to vote under the authority of a  
certificate, Form 8B, insert here:*

That on the.....day of.....19.... (the date of  
the certificate) you were, and henceforth have been continuously, and  
still are, a resident of this municipality, and that you are the person  
named in such certificate;

Incomes  
taxed  
by the  
Province  
not to be  
taxed by a  
municipality.

Rev. Stat.,  
cc. 233, 238;  
1936, c. 1.

7.—(1) Notwithstanding any of the provisions of *The  
Municipal Act*, or of *The Assessment Act*, or of any other  
general or special Act, no taxation for any of the purposes  
mentioned in any of the said Acts shall be assessed or levied  
upon the income of any person or personal corporation which  
by the provisions of *The Income Tax Act of Ontario, 1936*,  
is liable to taxation under that Act, or upon the income of any  
partnership the income of which is taxable in the hands of the  
individual members of such partnership as provided in  
*The Income Tax Act of Ontario, 1936*.

Amendment  
of assess-  
ment roll  
for 1936.

(2) The provisions of subsection 1 shall apply with respect  
to taxation levied or to be levied for the year 1936, notwith-  
standing that the assessment roll of a municipality upon  
which taxes for the year 1936 have been or are to be levied  
has been revised, and any assessments of income contained  
in such roll of persons, partnership and personal corporations  
liable to taxation under *The Income Tax Act of Ontario, 1936*,  
shall be, and be deemed to be, struck out and the amounts  
thereof subtracted therefrom, and the assessment roll as so  
amended shall for all the purposes of *The Municipal Act*, *The  
Assessment Act*, and any other general or special Act, be, and  
be deemed to be, the last revised assessment roll of the  
municipality.

Amendment  
of collector's  
roll for  
1936.

(3) If for any municipality the collector's roll of taxes for  
the year 1936 has been made and certified by the clerk, and  
it includes any rates or taxes levied on the assessed income  
of any person, partnership or personal corporation liable to  
taxation under *The Income Tax Act of Ontario, 1936*, the

Section 7 declares the law as to abolition of municipal income tax upon individuals and personal corporations and contains the necessary provisions to eliminate income assessments from the assessment rolls made for 1936 and income taxes from collectors' rolls for 1936 and for refunds if income tax for 1936 has been paid in advance, etc.



amounts so rated or taxed on such income, and all entries and particulars of such ratings and taxation, shall be, and be deemed to be, struck out and subtracted therefrom, and the same shall not be demanded of or collected from such person, partnership or personal corporation, and the collector's roll as so amended shall for all the purposes of *The Municipal Act*, *The Assessment Act*, and any other general or special Act be, and be deemed to be the collector's roll of taxes for the year 1936, of the said municipality.

Refunds if  
municipal  
income tax  
for 1936  
has been  
paid.

(4) Any person, partnership or personal corporation liable to taxation under *The Income Tax Act of Ontario, 1936*, who has paid or prepaid to a municipality any rate or taxes for the year 1936 levied on income shall be entitled to repayment from such municipality of the amount so paid or prepaid by him, upon production to the treasurer thereof of evidence that he or it has paid the income tax for the year 1936 under the provisions of *The Income Tax Act of Ontario, 1936*.

1889, c. 74,  
s. 1,  
re-enacted.

8. Section 1 of Chapter 74 of the Statutes of Ontario, 1889, is repealed, and the following substituted therefor:

Limitation  
of  
borrowings  
upon  
debentures  
by city of  
Toronto.

1. The corporation of the city of Toronto may, from time to time pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole twelve per centum of the assessed value of the whole of the rateable property in the city up to the first two hundred millions thereof, and eight per centum of the assessed value of said property beyond said sum of two hundred millions as established and shown, from time to time, by the last revised assessment rolls of the said city.

Refunds of  
business  
tax to  
individuals  
who pay  
provincial  
income tax.

9.—(1) Every person, other than a personal corporation, who pays income tax in any year under *The Income Tax Act of Ontario, 1936*, shall upon production of the official receipt in full for such tax to the treasurer of the municipality in which he resides, be entitled to a refund or deduction from the municipality from the amount of taxation paid or payable by him for the same year to such municipality in respect of business assessment and where any such persons are members of a partnership they shall be entitled to a refund or deduction from the municipality in which the partnership has its chief place of business of the amount of taxation paid or payable by such partnership for the same year for such municipality in respect of business assessment; provided that no such refund or deduction shall exceed the amount of income tax paid by such person.

Section 8. The city of Toronto by Special Act has since 1889 been limited to issuing debentures up to  $12\frac{1}{2}\%$  of the first one hundred million dollars of its assessment plus 8% of the excess of assessments over that amount. The loss of income assessments will reduce the borrowing power and to offset such loss the limit is amended as provided in section 9 of this Bill, so that Toronto may borrow up to 12% of the first two hundred million of assessment and up to 8% of the excess thereover. The substituted provision places Toronto in practically the same position as it heretofore has been.

Section 9. Under *The Assessment Act* individuals who resided in a municipality in which they were subject to business assessment were allowed to deduct the amount of such assessment from their incomes derived from the business and only that part of the income which exceeded the business assessment was liable to income tax. With the transfer of income tax of individuals to the Province and because the Provincial Income Tax Bill does not provide for any deductions of business assessment, it is equitable to provide that individuals who pay provincial income and are assessed for business by the municipality in which they reside shall get a refund of business tax from such municipality. To avoid loss on the part of a municipality which makes such refunds, the Province will reimburse it up to the amount of the refunds to be provided for in a separate Bill.

The provision of *The Assessment Act* above referred to did not relate to corporations and applied only to individuals where the municipality which assessed them for business was also the one which assessed them on income.





(2) The amount of business tax to be refunded or deducted in any case shall be in accordance with the regulations in that behalf made under the authority of any statute relating to the reimbursement to municipalities of the amounts so refunded or deducted out of the Consolidated Revenue Fund of the Province.



Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.



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*1st Reading*

February 14th, 1936

*2nd Reading*

February 26th, 1936

*3rd Reading*

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MR. CROLL

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(Reprinted as amended by the Committee  
of the Whole House)

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. CROLL

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Municipal Amendment Act, 1936*.

Rev. Stat., c. 233, s. 56, subs. 1, cl. *d*, (1933, c. 37, s. 2, subs. 2), amended. **2.**—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* as enacted by subsection 2 of section 2 of *The Municipal Amendment Act, 1933*, is amended by striking out the words "or so rated or entitled to be rated for income," in the fourth and fifth lines.

Rev. Stat., c. 233, s. 56, subs. 3, re-enacted. (2) Subsection 3 of the said section 56 is repealed, and the following subsections substituted therefor:

Right of persons paying provincial income tax to vote at municipal elections.

1936, c. 1.

Rev. Stat., c. 7.

(3) Every person of the full age of twenty-one years and a British subject by birth or naturalization, and not disqualified under this Act or by law from voting, who has paid in full an income tax of not less than \$15, under the provisions of *The Income Tax Act of Ontario, 1936*, within the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, shall be entitled to vote at a municipal election in the municipality in which he resides, either in respect to his place of residence or place of business therein, and to obtain a certificate entitling him to so vote upon producing to the clerk of the municipality at any time within thirty days prior to the day of polling for such election the official receipt evidencing payment of the said income tax.

Publication of notice as to income voters.

(3a) The clerk of every municipality shall once a week for not less than three weeks prior to the time for holding a municipal election, publish a notice in a newspaper having general circulation in the municipality, of the provisions of subsection 3.

(3b) Upon the clerk being satisfied that a person producing to him the receipt mentioned in subsection 3 <sup>Certificate for voting</sup> is otherwise qualified to vote, and is a resident of the municipality, he shall issue to such person a certificate, Form 8B, authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list, to entitle him to vote as if his name had been entered thereon before the list was revised, and such person upon delivery and surrender of the certificate issued to him to the returning officer or deputy returning officer in charge of the polling place for the division or subdivision mentioned in the certificate, shall have the right to vote at the election.

(3c) No person by virtue of any certificate issued under this section shall be entitled to vote thereon in any ward or subdivision, if his name already appears on the voters' list for such ward or subdivision. <sup>No person to vote twice.</sup>

3. Subsection 1 of section 60 of *The Municipal Act* is amended by striking out the words "in respect to income in any municipality or" in the third line. <sup>Rev. Stat., c. 233, s. 60, subs. 1, amended.</sup>

4. Clause *a* of subsection 1 of section 103 of *The Municipal Act* is repealed. <sup>Rev. Stat., c. 233, s. 103, subs. 1, cl. a, repealed.</sup>

5. Subsection 2 of section 295 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line. <sup>Rev. Stat., c. 233, s. 295, subs. 2, amended.</sup>

6.—(1) *The Municipal Act* is amended by adding thereto the following form: <sup>Rev. Stat., c. 233, amended. Form 8B added.</sup>

## FORM 8B

(Referred to in section 56, subsection 3b)

Municipality of .....

### CERTIFICATE TO ENTER ON VOTERS' LIST THE NAME OF A PERSON PAYING PROVINCIAL INCOME TAX.

I hereby certify that ....., a resident of this municipality, having paid in full income tax of not less than \$15, under *The Income Tax Act of Ontario, 1936*, during the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and being otherwise qualified, is entitled to be entered on the voters' list for the municipality as a ..... School Supporter, and to vote at the municipal poll to be held on the .....



day of....., 19...., for Polling Subdivision No.....  
in the.....Ward (or as the case may be), and this is your  
authority for entering the name of such person on the voters' list  
accordingly, and for permitting him to vote as if his name had been  
entered before the said list was revised.

Given under my hand this.....day of....., 19....

.....  
Clerk.

To the Returning Officer  
and Deputy Returning Officer

Polling Subdivision No..... of ..... Ward

Rev. Stat  
c. 233,  
Form 9,  
amended

(2) The third paragraph of clause c of paragraph 9 of  
Form 9 to *The Municipal Act* is repealed and the following  
substituted therefor:

*If the person claims to vote under the authority of a certificate, Form  
8B, insert here: That on the ..... day of ..... 19  
(the date of the certificate) you were, and henceforth have been con-  
tinuously, and still are, a resident of this municipality, and that you  
are the person named in such certificate.*

Incomes  
taxed  
by the  
Province  
not to be  
taxed by a  
municipal-  
ity.

Rev. Stat.,  
cc. 233, 238;  
1936, c. 1.

7.—(1) Notwithstanding any of the provisions of *The  
Municipal Act*, or of *The Assessment Act*, or of any other  
general or special Act, no taxation for any of the purposes  
mentioned in any of the said Acts shall be assessed or levied  
upon the income of any person or personal corporation which  
by the provisions of *The Income Tax Act of Ontario, 1936*,  
is liable to taxation under that Act, or upon the income of any  
partnership the income of which is taxable in the hands of the  
individual members of such partnership as provided in  
*The Income Tax Act of Ontario, 1936*.

Amendment  
of assess-  
ment roll  
for 1936.

(2) The provisions of subsection 1 shall apply with respect  
to taxation levied or to be levied for the year 1936, notwith-  
standing that the assessment roll of a municipality upon  
which taxes for the year 1936 have been or are to be levied  
has been revised, and any assessments of income contained  
in such roll of persons, partnership and personal corporations  
liable to taxation under *The Income Tax Act of Ontario, 1936*,  
shall be, and be deemed to be, struck out and the amounts  
thereof subtracted therefrom, and the assessment roll as so  
amended shall for all the purposes of *The Municipal Act*, *The  
Assessment Act*, and any other general or special Act, be, and  
be deemed to be, the last revised assessment roll of the  
municipality.

Amendment  
of collector's  
roll for  
1936

(3) If for any municipality the collector's roll of taxes for  
the year 1936 has been made and certified by the clerk, and  
it includes any rates or taxes levied on the assessed income  
of any person, partnership or personal corporation liable to  
taxation under *The Income Tax Act of Ontario, 1936*, the

amounts so rated or taxed on such income, and all entries and particulars of such ratings and taxation, shall be, and be deemed to be, struck out and subtracted therefrom, and the same shall not be demanded of or collected from such person, partnership or personal corporation, and the collector's roll as so amended shall for all the purposes of *The Municipal Act*, *The Assessment Act*, and any other general or special Act be, and be deemed to be, the collector's roll of taxes for the year 1936, of the said municipality.

(4) Any person, partnership or personal corporation liable to taxation under *The Income Tax Act of Ontario, 1936*, who has paid or prepaid to a municipality any rate or taxes for the year 1936 levied on income shall be entitled to repayment from such municipality of the amount so paid or prepaid by him, upon production to the treasurer thereof of evidence that he or it has paid the income tax for the year 1936 under the provisions of *The Income Tax Act of Ontario, 1936*.

Refunds if  
municipal  
income tax  
for 1936  
has been  
paid.

8. Section 1 of chapter 74 of the Statutes of Ontario, 1889, c. 74, 1889, is repealed, and the following substituted therefor:

s. 1,  
re-enacted.

1. The corporation of the city of Toronto may, from time to time pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city to an amount not exceeding in the whole twelve per centum of the assessed value of the whole of the rateable property in the city up to the first two hundred millions thereof, and eight per centum of the assessed value of said property beyond said sum of two hundred millions as established and shown, from time to time, by the last revised assessment rolls of the said city.

Limitation  
of  
borrowings  
upon  
debentures  
by city of  
Toronto.

9.—(1) Every person, other than a personal corporation, who pays income tax in any year under *The Income Tax Act of Ontario, 1936*, shall upon production of the official receipt in full for such tax to the treasurer of the municipality in which he resides, be entitled to a refund or deduction from the municipality from the amount of taxation paid or payable by him for the same year to such municipality in respect of business assessment and where any such persons are members of a partnership they shall be entitled to a refund or deduction from the municipality in which the partnership has its chief place of business of the amount of taxation paid or payable by such partnership for the same year for such municipality in respect of business assessment; provided that no such refund or deduction shall exceed the amount of income tax paid by such person.

Refunds of  
business  
tax to  
individuals  
who pay  
provincial  
income tax.

(2) The amount of business tax to be refunded or deducted in any case shall be in accordance with the regulations in that behalf made under the authority of any statute relating to the reimbursement to municipalities of the amounts so refunded or deducted out of the Consolidated Revenue Fund of the Province.

Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.





# BILL

## An Act to reimburse Municipalities in respect to Income Tax.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Grants to municipalities from provincial income tax for 1936.

1936, c. —.

1.—(1) The Lieutenant-Governor in Council shall out of the Consolidated Revenue Fund authorize and direct payment of part of the income tax payable to the province for the year 1936 under *The Income Tax Act of Ontario, 1936*, to such municipalities as are entitled thereto under the provisions of subsection 2.

Ascertainment and distribution of grants.

(2) The amount payable to any municipality shall be a sum equal to the total amount of taxation on incomes from individuals and personal corporations actually rated and levied by it in the year 1935, determined by reference to and as set forth in its collector's roll of taxes for that year, and upon payment of such sum to the municipality, the treasurer thereof shall forthwith pay to the treasurer of each school board such part of the said sum as shall equal the amount of taxation on incomes actually rated and levied for the purposes of such board as set forth in the said collector's roll.

Future grants to municipalities from provincial income tax.

(3) In addition to the payments provided for in subsections 1 and 2, the Lieutenant-Governor in Council may out of the Consolidated Revenue Fund authorize and direct payment of any part of the income tax paid to the province in any year, including the year 1936, under *The Income Tax Act of Ontario, 1936*, to cities, towns, villages and townships in Ontario.

Grants to be authorized by Order-in Council.

(4) The amounts to be paid to municipalities under the authority of subsection 3, the basis of distribution thereof, the municipalities which shall be entitled to share in such distribution, the apportionment of such payments between municipalities and school boards, and the times when, the manner in which, and the conditions upon which payments to municipalities are to be made, shall be determined and authorized by the Lieutenant-Governor in Council as he may see fit.

#### EXPLANATORY NOTES

General. This Bill is complementary to Bills Nos. 51 and 53, and provides for reimbursement by the Province to municipalities to compensate them for loss of income tax revenue from individuals and personal corporations by reason of a provincial income tax being substituted for municipal income tax.

The Bill also provides for reimbursement by the Province to municipalities of any refunds of business tax which under Bill No. 53 they may have to make to persons who produce receipts showing they have paid provincial income tax.

Section 1. Subsection 1 contains the authority for the Government to reimburse municipalities for loss of income tax.

Subsection 2 establishes the basis of reimbursement for 1936, namely, according to the income tax actually levied in 1935 as disclosed by the collector's roll of that year, with the provision for distribution of the compensation between municipality and schools in the same proportion as income tax levied in 1935 was apportioned.

Subsection 3 gives authority to the Government to make grants out of provincial income tax revenues to municipalities in future years and also, if the Government sees fit, to any and all local municipalities.

Subsection 4 gives the Government discretion to establish the basis of distribution for future years, and to determine which municipalities shall share, and how distribution will be apportioned as between municipality and schools.



Reimburse-  
ment to  
municipali-  
ties of  
business  
tax refunds.

Rev. Stat.,  
c. 233.

1936, c. —.

**2.**—(1) Where any municipality under the provisions of *The Municipal Act* or any amendment thereto is required to refund to any individual who has paid income tax under *The Income Tax Act of Ontario, 1936*, the amount of taxation paid by him in respect of business assessment, or to make a deduction in favour of such individual of the amount of taxation payable by him in respect of business assessment, the Treasurer of Ontario shall out of the Consolidated Revenue Fund pay to such municipality an amount or amounts equal to such refunds or deductions.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations in respect to such refunds or deductions and payments out of the Consolidated Revenue Fund as may be necessary.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 2. Provides for reimbursement by the Government to municipalities of refunds of business tax made by them to persons who have paid provincial tax, the system of reimbursement to be covered by regulations.

By this Bill and Bill No. 53 it is intended that a person who now will pay provincial income tax instead of municipal income tax will continue to get the benefit of deduction of business tax by a process of refunds, and the municipality which makes the refund will in turn be reimbursed by the Government so that the municipal revenues from business tax will not suffer.





respect to Income Tax.

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*1st Reading*

February 17th, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

an Act to reimburse Municipalities in respect to Income Tax.

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MR. CROLL

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# BILL

## An Act to reimburse Municipalities in respect to Income Tax.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Grants to municipalities from provincial income tax for 1936.

1936, c. 1.

**1.**—(1) The Lieutenant-Governor in Council shall out of the Consolidated Revenue Fund authorize and direct payment of part of the income tax payable to the province for the year 1936 under *The Income Tax Act of Ontario, 1936*, to such municipalities as are entitled thereto under the provisions of subsection 2.

Ascertainment and distribution of grants.

(2) The amount payable to any municipality shall be a sum equal to the total amount of taxation on incomes from individuals and personal corporations actually rated and levied by it in the year 1935, determined by reference to and as set forth in its collector's roll of taxes for that year, and upon payment of such sum to the municipality, the treasurer thereof shall forthwith pay to the treasurer of each school board such part of the said sum as shall equal the amount of taxation on incomes actually rated and levied for the purposes of such board as set forth in the said collector's roll.

Future grants to municipalities from provincial income tax.

(3) In addition to the payments provided for in subsections 1 and 2, the Lieutenant-Governor in Council may out of the Consolidated Revenue Fund authorize and direct payment of any part of the income tax paid to the province in any year, including the year 1936, under *The Income Tax Act of Ontario, 1936*, to cities, towns, villages and townships in Ontario.

Grants to be authorized by Order-in-Council.

(4) The amounts to be paid to municipalities under the authority of subsection 3, the basis of distribution thereof, the municipalities which shall be entitled to share in such distribution, the apportionment of such payments between municipalities and school boards, and the times when, the manner in which, and the conditions upon which payments to municipalities are to be made, shall be determined and authorized by the Lieutenant-Governor in Council as he may see fit.

**2.**—(1) Where any municipality under the provisions of *The Municipal Act* or any amendment thereto is required to refund to any individual who has paid income tax under *The Income Tax Act of Ontario, 1936*, the amount of taxation paid by him in respect of business assessment, or to make a deduction in favour of such individual of the amount of taxation payable by him in respect of business assessment, the Treasurer of Ontario shall out of the Consolidated Revenue Fund pay to such municipality an amount or amounts equal to such refunds or deductions.

Reimbursement to municipalities of business tax refunds.  
Rev. Stat., c. 233.  
1936, c. 1.

(2) The Lieutenant-Governor in Council may make regulations in respect to such refunds or deductions and payments out of the Consolidated Revenue Fund as may be necessary.

Regulations.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

An Act to reimburse Municipalities in  
respect to Income Tax.

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*1st Reading*

February 17th, 1936

*2nd Reading*

March 19th, 1936

*3rd Reading*

March 30th, 1936

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Mr. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Ontario Municipal Board Act, 1932.

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MR. ELLIS

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# BILL

## An Act to amend The Ontario Municipal Board Act, 1932.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1936*.

1932, c. 27,  
s. 2, cl. d,  
amended.

**2.**—(1) Clause *d* of section 2 of *The Ontario Municipal Board Act, 1932*, is amended by adding at the end thereof the following words: "and shall include a motor transportation system."

1932,  
c. 27, s. 2,  
amended.

(2) The said section 2 is further amended by adding thereto the following clause:

"Motor  
transportation  
system."

(e) "Motor transportation system" shall mean motor busses, motor trucks, or other motor vehicles operated by or on behalf of any person carrying on upon the highway the business of a public carrier of passengers, goods, wares, or merchandise, and running between two or more municipalities, but shall not include a motor bus, motor truck, or other motor vehicle while hired or used by any person for the transportation of his own goods, wares or merchandise exclusively.

1932,  
c. 27, s. 44,  
amended.

**3.** *The Ontario Municipal Board Act, 1932*, is amended by adding thereto the following section:

Licensing  
of motor  
transportation  
systems.

**130a.**—(1) No person shall from and after a date to be named by the Lieutenant-Governor by his Proclamation operate any motor transportation system without first having obtained a license so to do from the Board.

Board's  
power to  
license.

(2) The Board shall have power to grant such license whenever it finds that such operation is necessary or convenient for the public benefit and may from time to time cancel or suspend such license.



#### EXPLANATORY NOTES

General. The purpose of this Bill is to transfer from the Department of Highways to the Ontario Municipal Board control over the licensing and regulation of busses and trucks in Ontario which are operated as common carriers of passengers or freight. At present the Department now controls and regulates such busses and trucks, except that the Municipal Board has first to deal with new applications for licenses and certify as to public convenience and necessity for additional operators.

Section 2. Amends the definition of "Public Utility" so that it includes motor busses and motor trucks which are operated for public transport and also defines under the expression "Motor Transportation System" what is public transport.

Section 3. Prohibits bus and truck operation without a license from the Municipal Board and confers power on the Board to issue; cancel and suspend licenses, issue operating rules and regulations and to prescribe routes and fix tariffs of rates.



Rules and regulations governing motor transport.

- (3) The Board may, subject to the approval of the Lieutenant-Governor in Council, make such rules and regulations as it may from time to time deem necessary, relating to the equipment and operation of the motor busses, motor trucks and motor vehicles used in a motor transportation system and as to the license fees to be charged.

Routes and tariffs.

- (4) The Board shall fix the route or routes to be used by a motor transportation system, and shall also from time to time fix the tariffs of tolls and rates to be charged by a motor transportation system.

Repeal of Rev. Stat., c. 252, and amendments, and 1934, c. 46.

4. *The Public Vehicle Act*, and amendments thereto, and *The Public Commercial Vehicle Act, 1934*, are repealed.

Commencement of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 4. Repeals *The Public Vehicle Act* and *The Public Commercial Vehicle Act, 1934*, so as to make effective the transfer of control.





*1st Reading*

February 18th, 1936

*2nd Reading*

*3rd Reading*

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MR. ELLIS

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No. 56

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Voters' Lists Act.

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MR. SINCLAIR (Ontario)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Voters' Lists Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Voters' Lists Amendment Act, 1936*.

Rev. Stat.,  
c. 7, s. 7,  
re-enacted.      **2.** Section 7 of *The Voters' Lists Act* is repealed and the following substituted therefor:

Printing  
and  
distribution  
of list.

**7.**—(1) Immediately after the clerk has made the list, and within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post ten copies to each judge of the county or district court of the county or district to which for judicial purposes the municipality belongs, and two copies of the printed list to each of the following persons,—

(a) the head and every member of the municipal council of the municipality;

(b) the sheriff;

(c) the clerk of the division court within whose division the municipality is partly or wholly situate;

(d) every postmaster in the municipality;

#### EXPLANATORY NOTE

The Bill dispenses with the provisions requiring ten copies of the list to be furnished to members of the House of Commons, Legislative Assembly and defeated candidates.

(e) in a town, township or village every head teacher of a public or separate school in the municipality or the secretary or secretary-treasurer of the school board by which such teacher is employed;

(f) the registrar of deeds;

(g) the clerk of the council of the county in which the municipality is situate.

(2) The clerk shall forthwith also deliver or transmit by post, ten copies of the list to the clerk of the peace.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.









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*1st Reading*

February 20th, 1936

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR (Ontario)

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Voters' Lists Act.

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MR. SINCLAIR (Ontario)

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# BILL

## An Act to amend The Voters' Lists Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Voters' Lists Amendment Act, 1936*.

Rev. Stat.,  
c. 7, s. 7,  
re-enacted.

**2.** Section 7 of *The Voters' Lists Act* is repealed and the following substituted therefor:

Printing  
and  
distribution  
of list.

**7.—**(1) Immediately after the clerk has made the list, and within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post two copies of the printed list to each of the following persons,—



(a) each judge of the county or district court of the county or district to which for judicial purposes the municipality belongs;



(b) the head and every member of the municipal council of the municipality;

(c) the sheriff;

(d) the clerk of the division court within whose division the municipality is partly or wholly situate;

(e) every postmaster in the municipality;

#### EXPLANATORY NOTE

This Bill as amended by the Municipal Bills Committee reduces the number of copies of the voters' list to be furnished to any person to two copies.

- (f) in a town, township or village every head teacher of a public or separate school in the municipality or the secretary or secretary-treasurer of the school board by which such teacher is employed;
- (g) the registrar of deeds;
- (h) the clerk of the council of the county in which the municipality is situate;
- (i) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;
- (j) the member of the Assembly for the electoral district in which the municipality or any part thereof lies;
- (k) every candidate for whom votes were given at the then last election of a member of the House of Commons and for the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, if such candidate requests the same in writing before the 1st day of July in each year.

- (2) The clerk shall forthwith also deliver or transmit by post, ten copies of the list to the clerk of the peace.

Commence-  
ment of Act.

- 3. This Act shall come into force on the day upon which it receives the Royal Assent.









---

*1st Reading*

February 20th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

---

MR. SINCLAIR (Ontario)

---

*Reprinted as amended by the Committee  
on Municipal Law.*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Voters' Lists Act.

---

MR. SINCLAIR (Ontario)

---

# BILL

## An Act to amend The Voters' Lists Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Voters' Lists Amendment Act, 1936*.

Rev. Stat.,  
c. 7, s. 7,  
re-enacted.

**2.** Section 7 of *The Voters' Lists Act* is repealed and the following substituted therefor:

Printing  
and  
distribution  
of list.

**7.—(1)** Immediately after the clerk has made the list, and within forty days in a city and in other municipalities within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list, and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post two copies of the printed list to each of the following persons,—

- (a) each judge of the county or district court of the county or district to which for judicial purposes the municipality belongs;
- (b) the head and every member of the municipal council of the municipality;
- (c) the sheriff;
- (d) the clerk of the division court within whose division the municipality is partly or wholly situate;
- (e) every postmaster in the municipality;

(f) in a town, township or village every head teacher of a public or separate school in the municipality or the secretary or secretary-treasurer of the school board by which such teacher is employed;

(g) the registrar of deeds;

(h) the clerk of the council of the county in which the municipality is situate;

(i) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;

(j) the member of the Assembly for the electoral district in which the municipality or any part thereof lies;

(k) every candidate for whom votes were given at the then last election of a member of the House of Commons and for the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, if such candidate requests the same in writing before the 1st day of July in each year.

(2) The clerk shall forthwith also deliver or transmit by post, ten copies of the list to the clerk of the peace. Ten copies to clerk of the peace.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



---

*1st Reading*

February 20th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

April 9th, 1936

---

MR. SINCLAIR (Ontario)

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Marriage Act.

---

MR. LAWRENCE

---

No. 57

1936

# BILL

An Act to amend The Marriage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Marriage Amendment Act, 1936*.

Rev. Stat.,  
c. 181, s. 1,  
subs. 1,  
amended.

**2.** Subsection 1 of section 1 of *The Marriage Act* is amended by adding thereto the following clause:

Evangelist,  
etc. of The  
Open Door  
Evangelistic  
Association.

(f) Any recognized evangelist, teacher or elder for the time being of any congregation of Christians commonly called or known as "The Open Door Evangelistic Association" who may be appointed by any such congregation for the solemnization of marriages.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object of this amendment is to enable the persons mentioned in the new clause to solemnize marriages.

---

*1st Reading*

February 20th, 1936

*2nd Reading*

*3rd Reading*

---

MR. LAWRENCE

---

No. 58

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Cemetery Act.

---

MR. SINCLAIR (Ontario)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Cemetery Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Cemetery Amendment Act, 1936*.

Rev. Stat.,  
c. 317, s. 15,  
subs. 5,  
re-enacted.

**2.—(1)** Subsection 5 of section 15 of *The Cemetery Act* is repealed and the following substituted therefor:

Investment  
of funds.

(5) For the purpose of securing the due performance of such agreement the owner, if a municipal corporation, shall invest the money received under the agreement in the same manner as trustees are authorized to invest trust money and out of the income of such investment perform its obligations under the agreement, and every other owner shall pay such money to the Public Trustee, and such money shall be invested by the Public Trustee, and the income therefrom shall be paid to the owner to be applied for the purposes aforesaid.

Rev. Stat.,  
c. 317, s. 15,  
amended.

(2) The said section 15 is further amended by adding thereto the following subsection:

Payment  
of money  
on deposit  
in chartered  
banks.

(10) Where any money has been deposited with any chartered bank in Ontario to provide a fund to furnish revenue by way of interest or otherwise for the perpetual upkeep of any lot, it shall be lawful for such bank to pay such money to any owner for the purposes for which it was deposited, to be dealt with according to the provisions of this Act, and the owner may give an effectual release to such bank upon receiving such money.

Rev. Stat.,  
c. 317, s. 16,  
repealed.

**3.** Section 16 of *The Cemetery Act* is repealed.

Rev. Stat.  
c. 317,  
amended.

**4.** *The Cemetery Act* is amended by adding thereto the following section:

#### EXPLANATORY NOTES

Section 2.—(1) The amendment provides that the owner of a cemetery may invest moneys received under an agreement to preserve and maintain a plot in perpetuity, in the same manner as at present, providing the owner is a municipal corporation. If the owner is not a municipal corporation such moneys are required to be paid over to the Public Trustee for investment by him.

Section 2.—(2) The amendment provides that moneys which have been deposited in chartered banks to provide a fund for the maintenance in perpetuity of a cemetery plot, may be paid over to the owner of a cemetery for the purposes for which they were deposited.

Section 3.—Section 16, which permits the owner of a cemetery to pay over to the Public Trustee moneys received for the perpetual care of plots, becomes unnecessary in view of the amendments contained in Section 2 (1) of this Bill.

Section 4.—The council of a city or town owning or controlling a cemetery may transfer its control or management to a board created by such council.

Cemetery  
board  
in city  
and town.

40a. The council of any city or town owning or controlling a cemetery situated either within or outside the limits of such city or town, may by by-law transfer the control and management of such cemetery to a board consisting of not less than three nor more than seven persons who shall hold office during the pleasure of the council and may by such by-law define the duties and powers of such board.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.









An Act to amend The Cemetery  
Act.

---

*1st Reading*

February 20th, 1936

*2nd Reading*

*3rd Reading*

---

MR. SINCLAIR (Ontario)

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Cemetery Act.

---

MR. SINCLAIR (Ontario)

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# BILL

## An Act to amend The Cemetery Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.


**1.** This Act may be cited as *The Cemetery Amendment Act, 1936.*



Rev. Stat.,  
c. 317, s. 13,  
re-enacted.

**2.** Section 13 of *The Cemetery Act* is repealed and the following substituted therefor:

Registration  
of convey-  
ance not  
necessary.

**13.** When a lot in a cemetery or a compartment in a mausoleum or columbarium has been sold for a burial site or for the deposit therein of human remains it shall not be necessary to register the conveyance nor shall such lot or compartment be affected by any judgment, execution, mortgage or encumbrance. 

Rev. Stat.,  
c. 317, s. 15,  
amended.

**3.** Section 15 of *The Cemetery Act* is amended by adding thereto the following subsection:

Payment  
of money  
on deposit  
in chartered  
banks.

(10) Where any money has been deposited with any chartered bank in Ontario to provide a fund to furnish revenue by way of interest or otherwise for the perpetual upkeep of any lot, it shall be lawful for such bank to pay such money to any owner for the purposes for which it was deposited, to be dealt with according to the provisions of this Act, and the owner may give an effectual release to such bank upon receiving such money.

Rev. Stat.,  
c. 317,  
amended.

**4.** *The Cemetery Act* is amended by adding thereto the following section:

Cemetery  
board  
in city  
and town.

**40a.** The council of any city or town owning or controlling a cemetery situated either within or outside the limits of such city or town, may by by-law transfer the control and management of such cemetery to a board consisting of not less than

#### EXPLANATORY NOTES

Section 2.—The new section extends the present provisions of the Act, which exempt cemetery lots from execution and encumbrances, to include compartments in a mausoleum or columbarium.

Section 3.—The amendment provides that moneys which have been deposited in chartered banks to provide a fund for the maintenance in perpetuity of a cemetery plot, may be paid over to the owner of a cemetery for the purposes for which they were deposited.

Section 4.—The council of a city or town owning or controlling a cemetery may transfer its control or management to a board created by such council.

three nor more than seven persons who shall hold office during the pleasure of the council and may by such by-law define the duties and powers of such board.

Commence-  
ment of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.









Act.

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*1st Reading*

February 20th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

---

MR. SINCLAIR (Ontario)

---

*(Reprinted as amended by the Committee on  
Legal Bills.)*

No. 58

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Cemetery Act.

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MR. SINCLAIR (Ontario)

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Cemetery Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Cemetery Amendment Act, 1936*.

Rev. Stat.,  
c. 317, s. 13,  
re-enacted.

**2.** Section 13 of *The Cemetery Act* is repealed and the following substituted therefor:

Registration  
of convey-  
ance not  
necessary.

**13.** When a lot in a cemetery or a compartment in a mausoleum or columbarium has been sold for a burial site or for the deposit therein of human remains it shall not be necessary to register the conveyance nor shall such lot or compartment be affected by any judgment, execution, mortgage or encumbrance.

Rev. Stat.,  
c. 317, s. 15,  
amended.

**3.** Section 15 of *The Cemetery Act* is amended by adding thereto the following subsection:

Payment  
of money  
on deposit  
in chartered  
banks.

**(10)** Where any money has been deposited with any chartered bank in Ontario to provide a fund to furnish revenue by way of interest or otherwise for the perpetual upkeep of any lot, it shall be lawful for such bank to pay such money to any owner for the purposes for which it was deposited, to be dealt with according to the provisions of this Act, and the owner may give an effectual release to such bank upon receiving such money.

Rev. Stat.  
c. 317,  
amended.

**4.** *The Cemetery Act* is amended by adding thereto the following section:

Cemetery  
board  
in city  
and town.

**40a.** The council of any city or town owning or controlling a cemetery situated either within or outside the limits of such city or town, may by by-law transfer the control and management of such cemetery to a board consisting of not less than

three nor more than seven persons who shall hold office during the pleasure of the council and may by such by-law define the duties and powers of such board.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.



An Act to amend The Cemetery  
Act.

---

*1st Reading*

February 20th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. SINCLAIR (Ontario)

---

No. 59

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

**An Act to amend The Summary Convictions Act.**

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 59

1936

# BILL

An Act to amend The Summary Convictions Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Summary Convictions Amendment Act, 1936*.

Rev. Stat.,  
c. 121, s. 14,  
subs. 2,  
amended.

**2.** Subsection 2 of section 14 of *The Summary Convictions Act* is amended by striking out the words "court of general sessions of the peace or of a division" in the second and third lines and inserting in lieu thereof the words "county or district," so that the said subsection shall now read as follows:

Appeal  
from county  
or district  
court.

(2) If the Attorney-General of Ontario certifies that in his opinion a judgment or decision of a county or district court on an appeal under this Act, involves a question of law of sufficient importance to justify an appeal, an appeal shall lie therefrom to the Appellate Division.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect from the 3rd day of April, 1934.

#### EXPLANATORY NOTE

The purpose of this amendment is to bring the subsection into line with an amendment of 1934 to subsection 1 of section 13 of *The Summary Convictions Act* which changed the court to which appeal is made. This amendment is complementary, and is deemed to have had effect from the date of the coming into force of the 1934 amendment.

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*1st Reading*

February 24th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 59

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Summary Convictions Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Summary Convictions Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Summary Convictions Amendment Act, 1936*.

Rev. Stat.,  
c. 121, s. 14,  
subs. 2,  
amended.

**2.** Subsection 2 of section 14 of *The Summary Convictions Act* is amended by striking out the words "court of general sessions of the peace or of a division" in the second and third lines and inserting in lieu thereof the words "county or district," so that the said subsection shall now read as follows:

Appeal  
from county  
or district  
court.

(2) If the Attorney-General of Ontario certifies that in his opinion a judgment or decision of a county or district court on an appeal under this Act, involves a question of law of sufficient importance to justify an appeal, an appeal shall lie therefrom to the Appellate Division.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect from the 3rd day of April, 1934.



An Act to amend The Summary  
Convictions Act.

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*1st Reading*

February 24th, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

March 16th, 1936

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MR. ROEBUCK

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No. 60

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Wages Act.

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MR. CLARK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60

1936

# BILL

An Act to amend The Wages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Wages Amendment Act, 1936.*

Rev. Stat.,  
c. 176  
amended.      **2.** *The Wages Act* is amended by adding thereto the following section:

Attachment  
of wages  
only after  
judgment.      **8.** Proceedings to attach any debt due or accruing due to any mechanic, workman, servant, clerk or employee for or in respect of his wages shall be taken only where the claim of the creditor against the debtor is upon a judgment.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to prohibit wages from being garnished before the creditor obtains judgment.

The matter is confined to Division Court practice.



---

*1st Reading*

February 24th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CLARK

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Wages Act.

---

MR. CLARK

---

No. 60

1936

# BILL

An Act to amend The Wages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Wages Amendment Act, 1936*.

Rev. Stat.,  
c. 176  
amended.      **2.** *The Wages Act* is amended by adding thereto the following section:

Attachment  
of wages  
only after  
judgment.      **8.** Proceedings to attach any debt due or accruing due to any mechanic, workman, servant, clerk or employee for or in respect of his wages shall be taken only where the claim of the creditor against the debtor is upon a judgment.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



*1st Reading*

February 24th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. CLARK

---

No. 61

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Division Courts Act.

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MR. CLARK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

An Act to amend The Division Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Division Courts Amendment Act, 1936*.

Rev. Stat.,  
c. 95, s. 138,  
amended.

**2.** Section 138 of *The Division Courts Act* is amended by striking out the word and figure "section 7" in the first line and inserting in lieu thereof the words and figures "sections 7 and 8," so that the said section shall now read as follows:

Garnishment  
of debts.

Rev. Stat.,  
c. 176.

**138.** Subject to the provisions of sections 7 and 8 of *The Wages Act*, where a debt or money demand of the proper competence of the division court, and not being a claim for damages, is due and owing to one party from another, or a judgment of a division court remains unsatisfied, in whole or in part, and a debt is owing or accruing to the debtor from any other person, the person to whom such first-mentioned debt, money demand, or judgment is due and owing (hereinafter called the primary creditor), may attach and recover the debt owing or accruing to his debtor (hereinafter called the primary debtor), from any other person (hereinafter called the garnishee), or sufficient thereof to satisfy the claim of the primary creditor, subject always to the rights of other persons in respect of such debt.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object of this Bill is to give effect to the amendment to *The Wages Act* contained in Bill No. 60.

---

*1st Reading*

February 24th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CLARK

---

No. 61

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Division Courts Act.

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MR. CLARK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Division Courts Act.

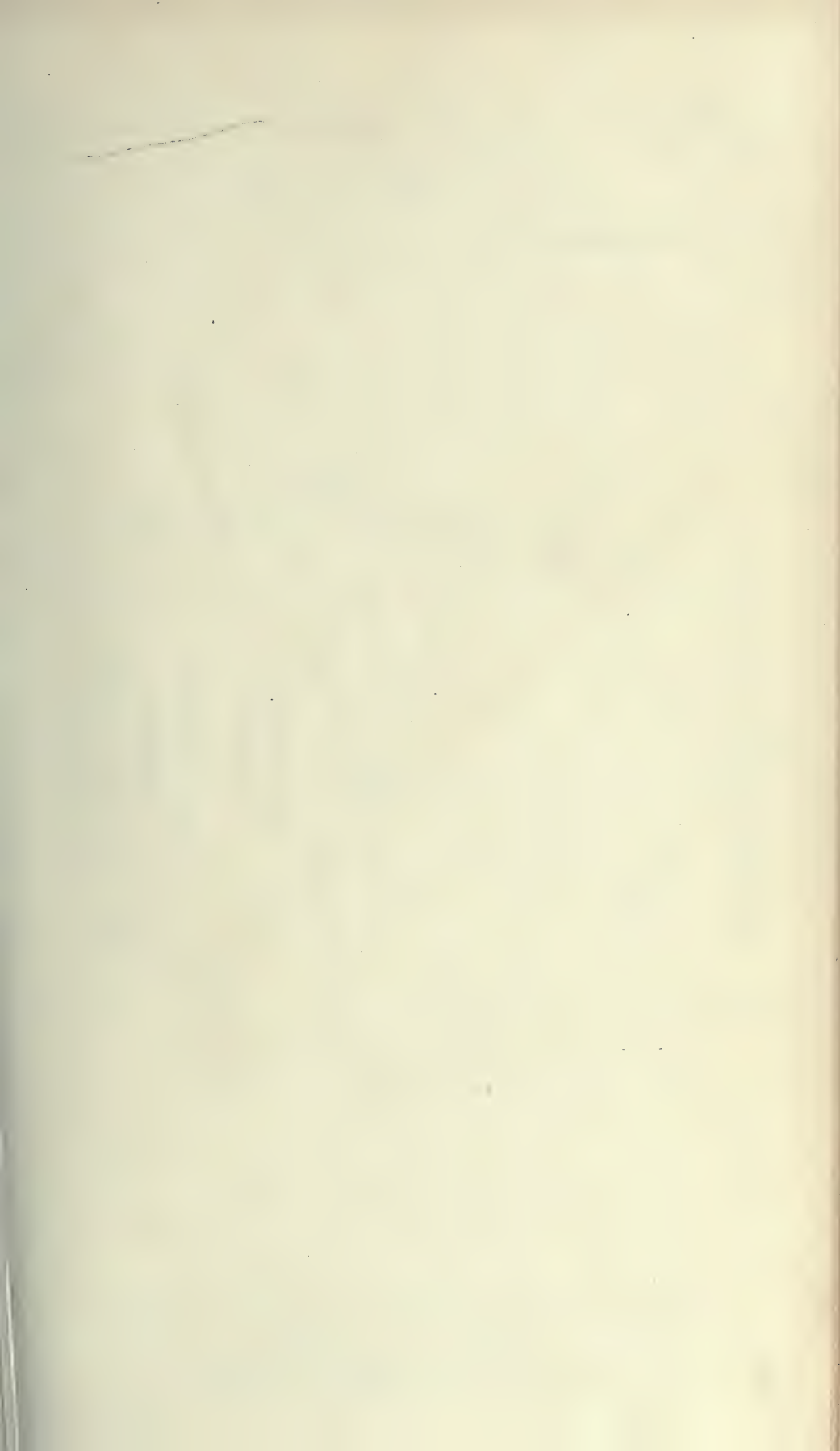
**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Division Courts Amendment Act, 1936*.

Rev. Stat.,  
c. 95, s. 138,  
amended.      **2.** Section 138 of *The Division Courts Act* is amended by striking out the word and figure "section 7" in the first line and inserting in lieu thereof the words and figures "sections 7 and 8," so that the said section shall now read as follows:

Garnishment  
of debts.  
Rev. Stat.,  
c. 176.      **138.** Subject to the provisions of sections 7 and 8 of *The Wages Act*, where a debt or money demand of the proper competence of the division court, and not being a claim for damages, is due and owing to one party from another, or a judgment of a division court remains unsatisfied, in whole or in part, and a debt is owing or accruing to the debtor from any other person, the person to whom such first mentioned debt, money demand, or judgment is due and owing (hereinafter called the primary creditor), may attach and recover the debt owing or accruing to his debtor (hereinafter called the primary debtor), from any other person (hereinafter called the garnishee), or sufficient thereof to satisfy the claim of the primary creditor, subject always to the rights of other persons in respect of such debt.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





---

*1st Reading*

February 24th, 1936

*2nd Reading*

March 2nd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. CLARK

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Municipal Act.

---

MR. STRACHAN

---

# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 358,  
subs. 3  
re-enacted.

**1.**—(1) Subsection 3 of section 358 of *The Municipal Act* is repealed and the following substituted therefor:

Designating  
judge or  
magistrate  
where more  
than one.

(3) If there are two or more judges for the county or district, or if there are two or more magistrates, the council shall designate the judge or the magistrate who is to be a member of the Board.

Rev. Stat.,  
c. 233, s. 358,  
subs. 3a  
(1929, c. 58,  
s. 4),  
repealed.

(2) Subsection 3a of section 358 of the said Act as enacted by section 4 of *The Municipal Amendment Act, 1929*, is repealed.

#### EXPLANATORY NOTE

At present, under subsection 3 of section 358, when there are two or more judges for a county or district, or under subsection 3*a* of the same section, two or more magistrates, the Lieutenant-Governor in Council designates the judge or magistrate who is to be a member of the Board of Police Commissioners.

This amendment will transfer such power of designation to the council which, in the case of cities, pays the members of the Board, and in the case of towns, establishes the board, and which, by subsection 6 of the said section, is now authorized to fill vacancies on the Board when the place of the judge or magistrate is vacant for the duration of the vacancy.

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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

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No. 63

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Municipal Act.

---

MR. STRACHAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 411,  
amended.      **1.** Section 411 of *The Municipal Act* is amended by adding thereto the following paragraph:

Licensing of  
florists.

**14.** For licensing, regulating and governing florists.

"Florists."

(a) For the purposes of this paragraph florists shall mean and include all persons who sell or offer for sale by retail in the municipality flowers, sprays, wreaths, bouquets, corsages, potted or other plants.

#### EXPLANATORY NOTE

This amendment is intended to give councils of cities some control over florists so as to regulate the trade, prevent the unscrupulous from imposing on the public and to avoid unfair competition with established businesses which is now possible.

An Act to amend The Municipal Act.

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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

---

No. 64

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. HUNTER

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TORONTO  
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No. 64

1936

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 64a,  
amended.

1. Section 64a of *The Assessment Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
deputy  
Commis-  
sioner.

- (4) The commissioner may also from time to time appoint another person possessing like qualifications to act as his deputy for a period not exceeding one month, and such person when so acting shall have all the powers of the commissioner and shall be paid such sum for his services as the council may by by-law or resolution provide.

#### EXPLANATORY NOTE

In cities of not less than 200,000 population the court of revision consists of only one member who is styled "The Commissioner of the Court of Revision" and is appointed and paid by the council. This bill would enable such commissioner to appoint a deputy for short periods, as may be necessary from time to time to enable him to have a vacation and also when the time allowed for revision of the roll in each ward is insufficient to allow the completion of the work without such assistance.



# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 64a,  
amended.

1. Section 64a of *The Assessment Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
deputy  
Commis-  
sioner.

- (4) The commissioner may also from time to time appoint another person possessing like qualifications to act as his deputy for a period not exceeding one month, and such person when so acting shall have all the powers of the commissioner and shall be paid such sum for his services as the council may by by-law or resolution provide.

#### EXPLANATORY NOTE

In cities of not less than 200,000 population the court of revision consists of only one member who is styled "The Commissioner of the Court of Revision" and is appointed and paid by the council. This bill would enable such commissioner to appoint a deputy for short periods, as may be necessary from time to time to enable him to have a vacation and also when the time allowed for revision of the roll in each ward is insufficient to allow the completion of the work without such assistance.

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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

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No. 65

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# **BILL**

An Act to amend The Municipal Act.

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MR. STRACHAN

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
amended.

1. Paragraph 3 of section 495 of *The Municipal Act* as amended by subsection 1 of section 11 of *The Municipal Amendment Act, 1936*, is further amended by adding at the end thereof the words: "and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law," so that the said paragraph shall now read as follows:

Areas and  
openings,  
etc., under  
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks; for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

#### EXPLANATORY NOTE

The purpose of this amendment is to allow municipalities to collect in the same way as taxes the cost of filling in abandoned areas, etc., on the highways where the owners of the land in connection with which they were constructed as special privileges neglect to fill them in.



Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
clause *a*,  
amended.

2. Clause *a* of paragraph 3 of section 495 of *The Municipal Act* is amended by inserting after the word "charge" in the first line, the words "and any expense incurred by the corporation in restoring the highway to its former condition," so that the said clause shall now read as follows:

Recovery of  
annual and  
other  
charges.

- (a) Such annual or other charge, and any expense incurred by the corporation in restoring the highway to its former condition, shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.







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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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No. 66

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 411,  
amended.      **1.** Section 411 of *The Municipal Act* is amended by adding thereto the following paragraph:

Location of  
private  
schools,  
tea rooms,  
etc.

“8c. Paragraph 2 of this section shall also apply to private schools, hairdressing establishments, victualing houses, tea rooms, ordinaries and places used for public refreshment, resort and entertainment.

(a) This paragraph shall not apply to a building which was on the 1st day of March, 1936, erected or used for any of such purposes so long as it is used as it was used on that date.”

#### EXPLANATORY NOTE

Section 411 authorizes the prohibition of buildings for certain purposes in defined areas. Private schools, hairdressing establishments or tea rooms are not now mentioned in the section and can now be established in restricted districts to the detriment of the neighbourhood.

This amendment would extend the powers of cities so that such establishments could, in the future, be prohibited in defined areas.

An Act to amend The Municipal Act.

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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

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No. 67

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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TORONTO  
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No. 67

1936

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 109,  
subs. 2,  
amended.

1. Subsection 2 of section 109 of *The Municipal Act* as amended by section 2 of *The Municipal Amendment Act, 1929*, is further amended by striking out the word "seven" in the fifth line and inserting in lieu thereof the word "nine."

#### EXPLANATORY NOTE

This subsection authorizes municipal councils by by-law to provide for the poll at municipal elections being open for any eight consecutive hours between 8 a.m. and 7 p.m.

This amendment would allow such eight consecutive hours to be between 8 a.m. and 9 p.m., and enable a municipality, for instance, to have the poll open from 1 p.m. to 9 p.m. This is important both from the standpoint of allowing employees time to vote, and also for the fact that when school buildings are used as polling-places the school would then only have to be closed for school purposes for half a day.



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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

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No. 68

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII. 1936

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# BILL

An Act to amend The Voters' Lists Act.

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MR. ALLEN

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TORONTO  
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# BILL

An Act to amend The Voters' Lists Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 7, s. 7,  
subs. 3,  
clauses *a*, *b*  
and *c*,  
repealed.

**1.** Clauses *a*, *b* and *c* of subsection 3 of section 7 of *The Voters' Lists Act* are repealed.

#### EXPLANATORY NOTE

This Bill strikes out the provisions of the Act requiring ten copies of the Voters' List to be sent to each local member of the House of Commons and the Assembly and to each defeated candidate for either. These requirements of the present Act are not considered necessary any longer and impose unnecessary expense upon municipalities, because now under the Dominion Elections Act and the Ontario Election Act special lists are prepared prior to an election.

---

*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

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MR. ALLEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. ALLEN

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233,  
s. 431a,  
amended.

1. Section 431a of *The Municipal Act* is amended by adding thereto the following paragraph:

"Tag days."

2. For fixing days when persons and organizations engaged in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

#### EXPLANATORY NOTE

The purpose of this amendment is to regulate "tag days" on the public highways. Most municipalities grant permission for these, but there is no express authority therefor.

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*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

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MR. ALLEN

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No. 70

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. ALLEN

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TORONTO  
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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 262,  
subs. 1,  
amended.

**1.**—(1) Subsection 1 of section 262 of *The Municipal Act* is amended by adding thereto the words “and the power to revoke the license”, so that the said subsection shall now read as follows:

Power to  
license  
includes  
power to  
prohibit  
and revoke.

(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license and the power to revoke the license.

Rev. Stat.,  
c. 233, s. 262,  
subs. 4,  
amended.

(2) Subsection 4 of section 262 of *The Municipal Act* is amended by striking out the words “any of the powers” in the fourth line and inserting in lieu thereof the word “power,” so that the said subsection shall now read as follows:

Discretion  
as to  
granting or  
refusing  
a license.

Rev. Stat.,  
c. 285.

(4) Subject to the provisions of *The Theatres and Cinematographs Act*, the granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under power conferred upon a council or a board of commissioners of police by this Act, or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any court.

Rev. Stat.,  
c. 233, s. 406,  
par. 4,  
amended.

**2.** Paragraph 4 of section 406 of *The Municipal Act* is amended by striking out the words “and for revoking any such license” in the third and fourth lines of the said paragraph.

Rev. Stat.,  
c. 233, s. 407,  
par. 1,  
amended.

**3.** Paragraph 1 of section 407 of *The Municipal Act* as amended by subsection 2 of section 11 of *The Municipal*

#### EXPLANATORY NOTES

This Bill authorizes any municipal council or board of police commissioners to revoke any license granted by it. As the Act now is, power to revoke is definitely given in the cases of many kinds of licenses, but not in the case of others, and unless such power is definitely given by the statute there is no right to revoke a license.

As the granting or repeal of a license is entirely within the discretion of the council or board, it may now accordingly refuse to renew any license. It would be consistent, therefore, to grant the right to revoke generally, as otherwise, a licensee, however improperly he may act, can continue to carry on until the expiration of his license.

Subsection 1 of section 1 of the Bill makes the power to revoke general in the case of all licenses.

Subsection 2 of section 1 provides for an amendment to the wording of subsection 4 of section 262, to make it consistent with the change made by subsection 1 of section 1.

Sections 2 to 10, inclusive, amend the various sections of the Act which now provide for revoking licenses by striking out such words therein which will now be unnecessary if the Act is amended as provided in section 1 of the Bill.



*Amendment Act, 1933*, is further amended by striking out the words "and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 419,  
par. 1,  
amended.

4. Paragraph 1 of section 419 of *The Municipal Act* as enacted by subsection 1 of section 15 of *The Municipal Amendment Act, 1934*, is amended by striking out the words "and for revoking the license" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 426,  
par. 1,  
amended.

5.—(1) Paragraph 1 of section 426 of *The Municipal Act* is amended by striking out the words "and for revoking any such license" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 426,  
par. 4,  
amended.

(2) Paragraph 4 of the said section 426 is amended by striking out the words "and for revoking the license" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 428,  
par. 2,  
amended.

6. Paragraph 2 of section 428 of *The Municipal Act* is amended by striking out the words "and for revoking any license granted" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 429,  
par. 1,  
amended.

7.—(1) Paragraph 1 of section 429 of *The Municipal Act* is amended by striking out the words "and for revoking any license granted" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 429,  
par. 2,  
amended.

(2) Paragraph 2 of the said section 429 as amended by section 33 of *The Municipal Amendment Act, 1931*, is further amended by striking out the words "and for revoking any license granted" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 430,  
par. 3 (1931,  
c. 50, s. 34),  
amended.

8. Paragraph 3 of section 430 of *The Municipal Act* as enacted by section 34 of *The Municipal Amendment Act, 1931*, is amended by striking out the words "and for revoking any license granted" at the end of the said paragraph.

Rev. Stat.,  
c. 233, s. 431,  
par. 1,  
amended.

9. Paragraph 1 of section 431 of *The Municipal Act* as amended by section 24 of *The Municipal Amendment Act, 1930*, is further amended by striking out the words "and for revoking and cancelling the license" at the end of the said paragraph.

Rev. Stat.,  
c. 233,  
s. 431a,  
par. 1 (1928,  
c. 37, s. 16),  
amended.

10. Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, as amended by section 36 of *The Municipal Amendment Act, 1931*, section 19 of *The Municipal Amendment Act, 1932*, and section 9 of *The Municipal Amendment Act, 1935*, is further amended by striking out the words "revoking or" in the second line of



paragraph 1 thereof so that the said paragraph shall now read as follows:

Licensing,  
etc., coal  
and coke  
dealers.

1. For licensing, regulating and governing dealers in coal or coke and for suspending the license of any such dealer.



---

*1st Reading*

February 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. ALLEN

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No. 71

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to Amend The Municipal Act.

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MR. ALLEN

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TORONTO  
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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 399,  
par. 23,  
amended.

1. Paragraph 23 of section 399 of *The Municipal Act* is amended by adding thereto the words "or any building which has been found unfit for human habitation under the provisions of *The Public Health Act* or of the statutory by-law set out in Schedule "B" to the said Act," so that the said paragraph will now read as follows:

Pulling  
down  
buildings in  
ruinous  
state, etc.

23. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition as regards danger from fire or risk of accident, or any building which has been found unfit for human habitation under the provisions of *The Public Health Act* or of the statutory by-law set out in Schedule "B" to the said Act.

#### EXPLANATORY NOTE

This Bill applies to urban municipalities only. Under the present paragraph a building which is in a ruinous or dilapidated condition must be allowed to so remain unless it is unsafe because of damage from fire or risk of accident. This Bill extends the application of paragraph 23 to apply to buildings condemned as unfit for human habitation, as may be done under the Health Act.

---

*1st Reading*

February 25th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. ALLEN

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No. 72

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Municipal Act.

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MR. GLASS

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TORONTO

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233,  
s. 429, par. 6,  
clause *d*  
(1929,  
c. 58, s. 12),  
amended.

1. Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as enacted by section 12 of *The Municipal Amendment Act, 1929*, and amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1933*, is further amended by striking out the words "for the license" in the first line and inserting in lieu thereof the words "for a license in the case of a transient trader" so that the said clause shall now read as follows:

Fees.

(*d*) Subject to the provisions of clause *dd* the fee to be paid for a license in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

#### EXPLANATORY NOTE

The present clause provides that the fee to be paid for a license whether by a transient trader or any other person commencing business who is not on the assessment roll for business or income shall not be less than \$100. This means that a resident of a municipality when starting any business for the first time must pay a license fee of at least \$100, which is often much in excess of any business tax which he might be required to pay. This Bill proposes to amend the clause so as to leave the limit of \$100 applicable to licenses for transient traders only, thereby allowing the council to fix a lesser license fee for residents who may desire to commence business and who are not assessed for business or income. A "transient trader" is a person who has not resided continuously in the municipality for more than three months prior to commencing to trade.



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*1st Reading*

February 27th, 1936

*2nd Reading*

*3rd Reading*

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MR. GLASS

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No. 73

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. KIRBY

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TORONTO  
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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233,  
amended.

**1.** *The Municipal Act* is amended by adding thereto the following section:

Special  
poll for  
soldiers'  
hospitals.

109*b*.—(1) Wherever in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, a poll shall be held in each such institution and all patients of the institution who are electors of the municipality shall be entitled to vote at such poll.

(2) When any such patient is bed-ridden or unable to walk it shall be lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot.

#### EXPLANATORY NOTE

The purpose of this Bill is to allow disabled nurses, soldiers or sailors in military hospitals, etc., to vote at municipal elections in the municipality in which the institution is situate if they are qualified electors of such municipality, by providing a special polling place at such hospital, etc.

An Act to amend The Municipal Act.

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*1st Reading*

February 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. KIRBY

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No 74

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to repeal The Supplementary Revenue Act, 1932.

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MR. HEPBURN

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No. 74

1936

# BILL

An Act to repeal The Supplementary Revenue Act,  
1932.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.      **1.** This Act may be cited as *The Supplementary Revenue  
Repeal Act, 1936*.

1932, c. 10,  
repealed.      **2.** *The Supplementary Revenue Act, 1932*, being chapter 10  
of the Statutes of Ontario, 1932, is repealed.

Commence-  
ment of Act.      **3.** This Act shall come into force on the 1st day of April,  
1936.

EXPLANATORY NOTE

The purpose of this Bill is to repeal *The Supplementary Revenue Act, 1932*.

No. 74

1936

# BILL

An Act to repeal The Supplementary Revenue Act,  
1932.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.      **1.** This Act may be cited as *The Supplementary Revenue  
Repeal Act, 1936.*

1932, c. 10,  
repealed.      **2.** *The Supplementary Revenue Act, 1932*, being chapter 10  
of the Statutes of Ontario, 1932, is repealed.

Commence-  
ment of Act.      **3.** This Act shall come into force on the 1st day of April,  
1936.

EXPLANATORY NOTE

The purpose of this Bill is to repeal *The Supplementary Revenue Act, 1932*.

*1st Reading*

March 2nd, 1936

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to repeal The Supplementary Revenue Act, 1932.

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MR. HEPBURN

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No. 74

1936

# BILL

An Act to repeal The Supplementary Revenue Act,  
1932.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.      **1.** This Act may be cited as *The Supplementary Revenue  
Repeal Act, 1936.*

1932, c. 10,  
repealed.      **2.** *The Supplementary Revenue Act, 1932*, being chapter 10  
of the Statutes of Ontario, 1932, is repealed.

Commence-  
ment of Act.      **3.** This Act shall come into force on a day to be named  
by the Lieutenant-Governor by his proclamation.



An Act to repeal The Supplementary  
Revenue Act, 1932

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*1st Reading*

March 2nd, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 9th, 1936

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MR. HEPBURN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Liquor Control Act.

---

MR. HEPBURN

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No. 75

1936

# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Liquor Control Amendment Act, 1936*.

Rev. Stat.,  
c. 257, s. 1,  
amended.      **2.** Section 1 of *The Liquor Control Act* is amended by adding thereto the following clause:

"Last  
revised  
list of  
the muni-  
cipality."

(hh) "Last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly.

Rev. Stat.,  
c. 257, s. 68  
(1935,  
c. 35, s. 4),  
repealed.      **3.** Section 68 of *The Liquor Control Act* as re-enacted by section 4 of *The Liquor Control Amendment Act, 1935*, is repealed.

Rev. Stat.,  
c. 257, s. 69,  
subs. 3  
(1935,  
c. 35, s. 5,  
subs. 3),  
amended.      **4.—(1)** Subsection 3 of section 69 of *The Liquor Control Act* as re-enacted by subsection 3 of section 5 of *The Liquor Control Amendment Act, 1935*, is amended by striking out all the words after the word "Act" at the end of clause *b* and substituting the following therefor:

Submission  
of question  
of continu-  
ance of  
stores and  
sale of  
beer and  
wine.

"and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted."

Rev. Stat.,  
c. 257, s. 69,  
subs. 4,  
amended.      **(2)** Subsection 4 of the said section 69 is amended by striking out the words "two weeks" in the first line and inserting in lieu thereof the words "five weeks", so that the said subsection shall now read as follows:

#### EXPLANATORY NOTES

Section 2. "Last revised list of the municipality" is defined.

Section 3. Section 68 of the Act is repealed.

Section 4.—(1) Where the result of a vote is the discontinuance of Government stores or of the sale of beer and wine, such discontinuance, in either case, becomes effective from the 31st day of March of the next following year.

(2) Managers may be appointed by the interested electors on the affirmative side and on the negative side of the question at least five weeks before the taking of the vote.



Appointment of managers for vote.

- (4) At least five weeks before the taking of a vote upon any question under this section, the electors interested in obtaining an affirmative answer and negative answer respectively to the question may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager the first person named on either side shall be manager.

Rev. Stat., c. 257, s. 69, amended.

- (3) The said section 69 is further amended by adding thereto the following subsection:

Notice of filing of petition.

- (4a) When any petition has been filed with the clerk of the municipality pursuant to the provisions of this section, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat., c. 257, s. 69, subs. 6, re-enacted.

- (4) Subsection 6 of the said section 69 is repealed and the following substituted therefor:

Who may vote.

- (6) The persons qualified to vote upon such question shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question; provided that in the event of the taking of a vote under subsection 3, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question unless and until a vote has been taken in such portion of the municipality on one of the questions set out in subsection 2 of this section, and three-fifths of the electors voting on such question have voted in the affirmative.

(3) The managers may examine and inspect the petition for a four-week period.

(4) Persons in a portion of a municipality in which the sale of liquor is prohibited may not sign a petition or vote on the discontinuance of Government stores or on the sale of beer and wine in the other portion of the municipality unless such a prohibition has been rendered ineffective by a vote under this Act.

Rev. Stat.,  
c. 257, s. 69,  
subs. 13,  
re-enacted.

(5) Subsection 13 of the said section 69 is repealed and the following substituted therefor:

Revision  
of lists.  
Rev. Stat.,  
cc. 7 and 8.

(13) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in case of an election to the Assembly.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

(5) The voters' lists shall be revised for a vote under the Act in the same manner as for an election to the Assembly.

---

*1st Reading*

March 2nd, 1936

*2nd Reading*

*3rd Reading*

---

MR. HEPBURN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Liquor Control Act.

---

MR. HEPBURN

---



No. 75

1936

# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Liquor Control Amendment Act, 1936*.

Rev. Stat.,  
c. 257, s. 1,  
amended.

**2.** Section 1 of *The Liquor Control Act* is amended by adding thereto the following clause:

"Last  
revised  
list of  
the mun-  
cipality."

(hh) "Last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly.

Rev. Stat.,  
c. 257, s. 68  
(1935,  
c. 35, s. 4),  
repealed.

**3.** Section 68 of *The Liquor Control Act* as re-enacted by section 4 of *The Liquor Control Amendment Act, 1935*, is repealed.

Rev. Stat.,  
c. 257, s. 69,  
subs. 3  
(1935,  
c. 35, s. 5,  
subs. 3),  
amended.

**4.—(1)** Subsection 3 of section 69 of *The Liquor Control Act* as re-enacted by subsection 3 of section 5 of *The Liquor Control Amendment Act, 1935*, is amended by striking out all the words after the word "Act" at the end of clause *b* and substituting the following therefor:

Submission  
of question  
of contin-  
uance of  
stores and  
sale of  
beer and  
wine.

"and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted."

Rev. Stat.,  
c. 257, s. 69,  
subs. 4,  
amended.

**(2)** Subsection 4 of the said section 69 is amended by striking out the words "two weeks" in the first line and inserting in lieu thereof the words "five weeks", so that the said subsection shall now read as follows:

- (4) At least five weeks before the taking of a vote upon any question under this section, the electors interested in obtaining an affirmative answer and negative answer respectively to the question may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager the first person named on either side shall be manager.

Appoint-  
ment of  
managers  
for vote.

- (3) The said section 69 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 257, s. 69,  
amended.

- (4a) When any petition has been filed with the clerk of the municipality pursuant to the provisions of this section, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Notice of  
filing of  
petition.

- (4) Subsection 6 of the said section 69 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 257, s. 69,  
subs. 6,  
re-enacted.

- (6) The persons qualified to vote upon such question shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question; provided that in the event of the taking of a vote under subsection 3, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question unless and until a vote has been taken in such portion of the municipality on one of the questions set out in subsection 2 of this section, and three-fifths of the electors voting on such question have voted in the affirmative.

Who may  
vote.

Rev. Stat.,  
c. 257, s. 69,  
subs. 13,  
re-enacted. (5) Subsection 13 of the said section 69 is repealed and the following substituted therefor:

Revision  
of lists.  
Rev. Stat.,  
cc. 7 and 8.

- (13) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in case of an election to the Assembly.

Commence-  
ment of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.









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*1st Reading*

March 2nd, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. HEPBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Bulk Sales Act.

---

MR. ROEBUCK

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No. 76

1936

# BILL

An Act to amend The Bulk Sales Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Bulk Sales Amendment Act, 1936*.

Rev. Stat.,  
c. 167,  
amended.     **2.** *The Bulk Sales Act* is amended by adding thereto the following section:

Power to  
assign bonds.     **9a.** Upon the application of any person interested, the judge, on being satisfied that the condition of the bond has been broken, may order the registrar to assign the bond to some person to be named in the order, and such person shall thereupon be entitled to sue on the bond in his own name, as if the bond had been originally given to him, and shall recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond.

Commence-  
ment of Act.     **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Bonds under *The Bulk Sales Act* are made to the judge. The purpose of this amendment is to enable the judge to assign the bond in cases where it becomes necessary to take action thereon.

*1st Reading*

March 3rd, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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Power to  
assign bonds.      **9a.** Upon the application of any person interested, the judge, on being satisfied that the condition of the bond has been broken, may order the registrar to assign the bond to some person to be named in the order, and such person shall thereupon be entitled to sue on the bond in his own name, as if the bond had been originally given to him, and shall recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond and the judge trying such suit may order the bond to be re-assigned to the judge to whom it was originally made or may make such other disposition of the bond as he deems fit.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Bonds under *The Bulk Sales Act* are made to the judge. The purpose of this amendment is to enable the judge to assign the bond in cases where it becomes necessary to take action thereon.

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*1st Reading*

March 3rd, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

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MR. ROEBUCK

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*(Reprinted as amended by the Committee of  
the Whole House).*

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

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MR. ROEBUCK

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1936

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Short title.

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Rev. Stat.,  
c. 167,  
amended.

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Power to  
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Commence-  
ment of Act

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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*1st Reading*

March 3rd, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

April 3rd, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Coroners Act.

---

MR. ROEBUCK

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# BILL

## An Act to amend The Coroners Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Coroners Amendment Act, 1936*.

Rev. Stat.,  
c. 123, s. 2,  
subs. 1,  
amended.

**2.** Subsection 1 of section 2 of *The Coroners Act* is amended by adding thereto the words "and may appoint a chief coroner for each county, provisional judicial district and provisional county," so that the said subsection shall now read as follows:

Appoint-  
ment of  
coroners  
generally.

(1) The Lieutenant-Governor in Council may appoint one or more coroners for the whole or any part of every county, city, town, provisional judicial district and provisional county, and may appoint a chief coroner for each county, provisional judicial district and provisional county.

Rev. Stat.,  
c. 123, s. 6,  
subs 3,  
re-enacted.

**3.** Subsection 3 of section 6 of *The Coroners Act* is repealed and the following substituted therefor:

Warrant for  
possession  
of body.

(3) Where a coroner is informed that there is within his jurisdiction the body of a deceased person, and that there is reason to believe that the deceased died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct or malpractice on the part of others or under such circumstances as require investigation, he shall immediately communicate to the chief coroner having jurisdiction where the body is located, all information and particulars of which he is possessed respecting such body and death, and the chief coroner shall issue his warrant to take possession of the body and shall view the body and make such further inquiry as may be required to satisfy himself whether or not an inquest is necessary, or he shall direct one of the coroners having jurisdiction in the place where the body is

#### EXPLANATORY NOTES

Section 2. The Lieutenant-Governor in Council is authorized to appoint a chief coroner for each county, provisional judicial district and provisional county.

Section 3. Upon receiving notice of a death having taken place under circumstances which would seem to warrant investigation, the coroner receiving such advice shall communicate with the chief coroner and the chief coroner shall take possession of the body, view the body and conduct such further investigation as may be necessary unless he directs some other coroner to do so.

located to do all such acts, provided that where, owing to the death, illness or absence from the jurisdiction of the chief coroner, it is impracticable to communicate with him, or where no chief coroner has been appointed the coroner who has received such information shall issue his warrant to take possession of the body and shall do all such further acts as are reasonably necessary pending communication, when practicable, with the chief coroner.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









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*1st Reading*

March 3rd, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 77

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Coroners Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Coroners Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Coroners Amendment Act, 1936*.

Rev. Stat.,  
c. 123, s. 2,  
subs. 1,  
amended.

**2.** Subsection 1 of section 2 of *The Coroners Act* is amended by adding thereto the words "and may appoint a chief coroner for each county, provisional judicial district and provisional county," so that the said subsection shall now read as follows:

Appoint-  
ment of  
coroners  
generally.

(1) The Lieutenant-Governor in Council may appoint one or more coroners for the whole or any part of every county, city, town, provisional judicial district and provisional county, and may appoint a chief coroner for each county, provisional judicial district and provisional county.

Rev. Stat.,  
c. 123, s. 6,  
subs 3,  
re-enacted.

**3.** Subsection 3 of section 6 of *The Coroners Act* is repealed and the following substituted therefor:

Warrant for  
possession  
of body.

(3) Where a coroner is informed that there is within his jurisdiction the body of a deceased person, and that there is reason to believe that the deceased died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct or malpractice on the part of others or under such circumstances as require investigation, he shall immediately communicate to the chief coroner having jurisdiction where the body is located, all information and particulars of which he is possessed respecting such body and death, and the chief coroner shall issue his warrant to take possession of the body and shall view the body and make such further inquiry as may be required to satisfy himself whether or not an inquest is necessary, or he shall direct one of the coroners having jurisdiction in the place where the body is

located to do all such acts, provided that where, owing to the death, illness or absence from the jurisdiction of the chief coroner, it is impracticable to communicate with him, or where no chief coroner has been appointed, the coroner who has received such information shall issue his warrant to take possession of the body and shall do all such further acts as are reasonably necessary pending communication, when practicable, with the chief coroner.

4. This Act shall come into force on the day upon which <sup>Commence-</sup>  
it receives the Royal Assent. <sub>ment of Act.</sub>



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*1st Reading*

March 3rd, 1936

*2nd Reading*

March 11th, 1936

*3rd Reading*

March 16th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. MACFIE

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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238,  
amended.

1. *The Assessment Act* is amended by adding thereto the following section:

Exemption  
of farm  
lands in  
police  
villages.

43a.—(1) Section 43 shall apply to a police village so that farm lands situate therein may be exempted or partly exempted from taxation in the same manner, to the same extent, and for the purposes mentioned in the said section.

Exemption  
by-law  
to be passed  
by trustees  
of police  
village.

(2) The trustees or board of trustees of a police village shall have power to and shall pass by-laws as provided for in section 43, and forthwith after passing the same furnish a certified copy thereof to the clerk of the township or townships in which the police village or any part thereof is situate, and all notices to be given under the said section shall be given to the trustees or board of trustees of the police village instead of to the clerk of the municipality.

Notice of  
by-law  
and of  
decisions  
of judge to  
be given to  
township  
clerk.

(3) The trustees or board of trustees of a police village shall notify the clerk of the township or townships in which the police village or any part thereof is situate of any decision of the judge made under section 43 forthwith after the same is received.

Jurisdiction  
of judge  
where two  
counties  
affected.

(4) If a police village is situate in two or more counties, the judge of the county court of the county in which the larger or largest part of the police village is situate shall exercise jurisdiction for the purposes of this section.

Application  
of by-law by  
township  
council in  
striking  
rates.

(5) The provisions of every by-law of a police village passed under the authority of this section, and of every decision of the judge with respect to such

#### EXPLANATORY NOTE

Under section 43 of *The Assessment Act*, farm lands in towns and villages are entitled to exemption from taxes for such expenditures for water, sidewalks, sewers, pavements, street lights, etc., as set forth in the by-law.

Similar exemption of farm lands in police villages has never been possible because such places are not municipalities. This Bill provides for such exemptions being made possible.

police village, shall be made applicable by the council of the township or townships in which the police village or any part thereof is situate in striking the rates to be levied in or for the purposes of the police village.









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*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

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MR. MACFIE

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Commercial Vehicles.

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MR. MCQUESTEN

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# BILL

## An Act respecting Commercial Vehicles.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Commercial Vehicle Act, 1936.*
- Interpre-      **2.** In this Act,—  
tation.
- "Board."      (a) "Board" shall mean Ontario Municipal Board;
- "Depart-      (b) "Department" shall mean Department of Highways;  
ment."
- "Goods."      (c) "Goods" shall include all classes of materials, wares and merchandise, live stock and milk;
- "Highway."      (d) "Highway" shall mean "highway" as defined in *The Highway Traffic Act*;
- "Minister."      (e) "Minister" shall mean Minister of Highways; 1934, c. 46, s. 2, cls. (a)-(e).
- "Owner."      (f) "Owner" shall mean a person registered under *The Highway Traffic Act* as the owner of a motor vehicle; 1934, c. 46, s. 2, cl. (f), *amended*.
- "Private      (g) "Private Commercial Vehicle" shall mean a commercial  
Commercial      motor vehicle or trailer as defined in *The Highway Traffic Act*, having a registered gross weight of 6,000  
Vehicle."      pounds or more and operating regularly in the ordinary and usual course of the business of the owner beyond the limits of any urban zone, but shall not include a commercial motor vehicle or trailer customarily used for the transportation from a farm or forest of goods which are the product of such farm or forest and incidentally used for the transportation of other goods, wares or merchandise, the property of the owner of such farm or forest. *New.*

#### EXPLANATORY NOTES

Section 2. "Board," "Department," "Goods," "Highway," "Minister," "Owner," "Private Commercial Vehicle," "Public Commercial Vehicle," "Toll," "Transportation" and "Urban Zone" are defined.



"Public  
Commercial  
Vehicle."

Rev. Stat.,  
c. 251.

- (h) "Public Commercial Vehicle" shall mean a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for or on behalf of any person who receives compensation for the transportation of goods and not confined in its operation to any urban zone, but shall not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest; 1934, c. 46, s. 2, cl. (g), *amended*.

"Toll."

- (i) "Toll" shall mean any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;

"Trans-  
portation."

- (j) "Transportation" shall with respect to goods mean and include the transportation, carriage, shipment, care, handling, storage or delivery thereof;

"Urban  
Zone."

- (k) "Urban Zone" shall mean an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom. 1934, c. 46, s. 2, cls. (h-j).

## PART I.

### PUBLIC COMMERCIAL VEHICLES.

License  
required.

**3.** No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods unless licensed so to do by the Department under the provisions of this Act. 1934, c. 46, s. 4, *amended*.

Agents.

**4.—(1)** No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency  
authority.

**(2)** A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. 1934, c. 46, s. 5, *amended*.

Certificate of  
Municipal  
Board.

**5.—(1)** No license shall be issued to the owner of a public commercial vehicle without the approval of the Board being first obtained as evidenced by a certificate of public necessity

Section 3. Licenses are required by persons operating public commercial vehicles.

Section 4. Only a properly constituted agent of a licensed public commercial vehicle owner shall carry on business as an agent for the transportation of goods on highways.

Section 5—(1). Applications for licenses shall be referred to the Municipal Board.

and convenience of the said Board furnished to the Department and then only in accordance with such certificate.

Renewals of  
licenses.

(2) It shall not be necessary to the renewal by the Department of any such license that the approval of the Board be obtained unless the Department shall have referred the application for such renewal to the Board for its approval. 1934, c. 46, s. 6.

## PART II.

### PRIVATE COMMERCIAL VEHICLES.

Private  
commercial  
vehicle,  
necessity for  
license.

6.—(1) No person shall operate a private commercial vehicle upon a highway unless licensed so to do by the Department under the provisions of this Act. *New.*

Applications  
and ques-  
tions may be  
referred to  
Board.

(2) The Minister may refer any application for a license for a private commercial vehicle or any matter or question relating to any such application to the Board and may require the Board to determine whether any commercial vehicle, which is not a public commercial vehicle, operates regularly beyond the limits of any urban zone, and a statement of the findings of the Board certified by the chairman shall be furnished to the Department. *New.*

## PART III.

### GENERAL.

Terms of  
licenses.

7. Licenses issued by the Department shall be subject to the regulations made under the authority of this Act. 1934, c. 46, s. 7.

Regulations.

8. The Lieutenant-Governor in Council, upon the recommendation of the Minister may make regulations:—

- (a) respecting the issue, extension, renewal, transfer, suspension and revocation of licenses;
- (b) respecting the payment of fees and the amount and time of payment of such fees;
- (c) fixing the amount, nature and class of insurance or bond which shall be provided or carried by owners;
- (d) prescribing the form of bill of lading to be used;
- (e) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

(2) Applications for renewal of licenses need not be passed on by the Municipal Board unless referred to it by the Department.

Section 6—(1) Owners of private commercial vehicles as defined in the Act are required to have a license.

(2) Certain matters may be referred to the Board for determination.

Section 7. Licenses are subject to the provisions of the regulations.

Section 8. The Lieutenant-Governor in Council may make regulations.

- (f) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed;
- (g) prescribing, regulating and limiting the hours of labour for drivers;
- (h) prescribing the minimum age of drivers and minimum rates of pay or wages for drivers;
- (i) generally for the better carrying out of the provisions of this Act. 1934, c. 46, s. 8.

Powers of  
Municipal  
Board.

**9.** The Board shall have and may exercise all such powers as may be necessary for the purposes of this Act and the regulations with respect to the matters in which it is thereby, or by order of the Lieutenant-Governor in Council, given jurisdiction. 1934, c. 46, s. 10.

Penalty.

**10.**—(1) Any person who violates any of the provisions of this Act or any regulation passed thereunder shall be guilty of an offence and shall incur a penalty of not less than \$20 and not exceeding \$200.

Recovery of  
penalties.

(2) Any penalty under this Act shall be recovered only with the consent of the Minister.

Rev. Stat.,  
c. 121.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*, 1934, c. 46, s. 11, amended.

1934, c. 46,  
repealed.

**11.** *The Public Commercial Vehicle Act*, being chapter 46 of the Statutes of Ontario, 1934, is repealed.

Commence-  
ment of  
Act.

**12.** This Act shall come into force on the 1st day of July, 1936.



Section 9. The Municipal Board is given all necessary powers.

Section 10. Penalties for violations of the Act are provided and are recoverable with the consent of the Minister under *The Summary Convictions Act*.







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*1st Reading*

March 13th, 1936.

*2nd Reading*

*3rd Reading*

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MR. McQUESTEN

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No. 79

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Commercial Vehicles.

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MR. MCQUESTEN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 79

1936

# BILL

## An Act respecting Commercial Vehicles.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title      **1.** This Act may be cited as *The Commercial Vehicle Act, 1936*.
- Interpre-      **2.** In this Act,—  
tation.
- "Board."      (a) "Board" shall mean Ontario Municipal Board;
- "Depart-      (b) "Department" shall mean Department of Highways;  
ment."
- "Goods."      (c) "Goods" shall include all classes of materials, wares and merchandise, live stock and milk;
- "Highway."      (d) "Highway" shall mean "highway" as defined in *The*  
Rev. Stat.,  
c. 251.      *Highway Traffic Act*;
- "Minister."      (e) "Minister" shall mean Minister of Highways; 1934,  
c. 46, s. 2, cls. (a)-(e).
- "Owner."      (f) "Owner" shall mean a person registered under *The*  
*Highway Traffic Act* as the owner of a motor vehicle;  
1934, c. 46, s. 2, cl. (f), *amended*.
- "Private      (g) "Private Commercial Vehicle" shall mean a commer-  
Commercial  
Vehicle."      cial motor vehicle or trailer as defined in *The Highway*  
*Traffic Act*, having a registered gross weight of 6,000  
pounds or more and operating regularly in the ordinary  
and usual course of the business of the owner beyond  
the limits of any urban zone, but shall not include a  
commercial motor vehicle or trailer customarily used  
for the transportation from a farm or forest of goods  
which are the product of such farm or forest and  
incidentally used for the transportation of other  
goods, wares or merchandise, the property of the  
owner of such farm or forest; *New*.

- (h) "Public Commercial Vehicle" shall mean a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for or on behalf of any person who receives compensation for the transportation of goods and not confined in its operation to any urban zone, but shall not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest; 1934, c. 46, s. 2, cl. (g), *amended*.
- (i) "Toll" shall mean any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle; <sup>"Toll."</sup>
- (j) "Transportation" shall with respect to goods mean and include the transportation, carriage, shipment, care, handling, storage or delivery thereof; <sup>"Transportation."</sup>
- (k) "Urban Zone" shall mean an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom. 1934, c. 46, s. 2, cls. (h-j). <sup>"Urban Zone."</sup>

## PART I.

### PUBLIC COMMERCIAL VEHICLES.

3. No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods unless licensed so to do by the Department under the provisions of this Act. 1934, c. 46, s. 4, *amended*. <sup>License required.</sup>

4.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways. <sup>Agents</sup>

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. 1934, c. 46, s. 5, *amended*. <sup>Agency authority</sup>

5.—(1) No license shall be issued to the owner of a public commercial vehicle without the approval of the Board being first obtained as evidenced by a certificate of public necessity <sup>Certificate of Municipal Board.</sup>



and convenience of the said Board furnished to the Department and then only in accordance with such certificate.

Renewals of  
licenses.

(2) It shall not be necessary to the renewal by the Department of any such license that the approval of the Board be obtained unless the Department shall have referred the application for such renewal to the Board for its approval. 1934, c. 46, s. 6, amended.

## PART II.

### PRIVATE COMMERCIAL VEHICLES.

Private  
commercial  
vehicle,  
necessity for  
license.

**6.**—(1) No person shall operate a private commercial vehicle upon a highway unless licensed so to do by the Department under the provisions of this Act.

Applications  
and ques-  
tions may be  
referred to  
Board.

(2) The Minister may refer any application for a license for a private commercial vehicle or any matter or question relating to any such application to the Board and may require the Board to determine whether any commercial vehicle, which is not a public commercial vehicle, operates regularly beyond the limits of any urban zone, and a statement of the findings of the Board certified by the chairman shall be furnished to the Department. *New.*

## PART III.

### GENERAL.

Terms of  
licenses.

**7.** Licenses issued by the Department shall be subject to the regulations made under the authority of this Act. 1934, c. 46, s. 7.

Regulations.

**8.** The Lieutenant-Governor in Council, upon the recommendation of the Minister may make regulations:—

- (a) respecting the issue, extension, renewal, transfer, suspension and revocation of licenses;
- (b) respecting the payment of fees and the amount and time of payment of such fees;
- (c) fixing the amount, nature and class of insurance or bond which shall be provided or carried by owners;
- (d) prescribing the form of bill of lading to be used;
- (e) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

- (f) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed;
- (g) prescribing, regulating and limiting the hours of labour for drivers;
- (h) prescribing the minimum age of drivers and minimum rates of pay or wages for drivers;
- (i) generally for the better carrying out of the provisions of this Act. 1934, c. 46, s. 8.

**9.** The Board shall have and may exercise all such powers <sup>Powers of Municipal Board.</sup> as may be necessary for the purposes of this Act and the regulations with respect to the matters in which it is thereby, or by order of the Lieutenant-Governor in Council, given jurisdiction. 1934, c. 46, s. 10.

**10.—(1)** Any person who violates any of the provisions of <sup>Penalty.</sup> this Act or any regulation passed thereunder shall be guilty of an offence and shall incur a penalty of not less than \$20 and not exceeding \$200.

(2) Any penalty under this Act shall be recovered only <sup>Recovery of penalties.</sup> with the consent of the Minister.

(3) The penalties provided by subsection 1 shall be recover- <sup>Rev. Stat., c. 121.</sup> able under *The Summary Convictions Act*, 1934, c. 46, s. 11, amended.

**11.** *The Public Commercial Vehicle Act*, being chapter 46 <sup>1934, c. 46, repealed.</sup> of the Statutes of Ontario, 1934, is repealed.

**12.** This Act shall come into force on the 1st day of July, <sup>Commence-  
ment of  
Act.</sup> 1936.





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*1st Reading*

March 13th, 1936.

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. McQUESTEN

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No. 80

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. LANCASTER

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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 121,  
subs. 5  
(1932,  
c. 31, s. 2),  
re-enacted.

**1.**—(1) Subsection 5 of section 121 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1932*, is repealed and the following substituted therefor:

Applications  
in respect to  
vacant  
tenements.

- (5) An application under clause *a* of subsection 1 may be made by any person assessed, or by a mortgagee or subsequent purchaser who has been in possession of a tenement which has remained vacant during such possession, and may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may cancel or reduce the taxes, or order that the corporation refund a portion of the taxes paid, and the corporation may refund the same accordingly, and if the application is made by a mortgagee or subsequent purchaser who paid the taxes, the refund shall be made to such mortgagee or subsequent purchaser.

Rev. Stat.,  
c. 238, s. 121,  
amended.

(2) The said section 121 is further amended by adding thereto the following subsection:

By-law  
respecting  
cancellations  
and  
refunds,  
etc.

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clauses *a*, *b* or *c* of subsection 1, or under subsection 5 of this section by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

### EXPLANATORY NOTES

Subsection 1 of Section 1. Under the present law, refunds of taxes paid or reduction in outstanding taxes upon vacant tenements can only be made in favour of the person assessed, even if a mortgagee or subsequent owner has paid the taxes, or is liable for the same. The subsection is rewritten so that such an anomalous situation will not continue.

Subsection 2 of Section 1. Until recent years it was commonly accepted that council could place some limitation upon the court of revision in respect to appeals for cancellation or reduction of outstanding taxes, or refunds of taxes paid. The Act implied that, because it stated "the court of revision, subject to the provisions of any by-law governing clauses (a), (b) and (c) may cancel or reduce the taxes, or reject the application".

Nearly all cities and many towns had passed by-laws stipulating how far the court of revision could go in these cases, and they were acted upon and observed by the court. Recently, however, the Court of Appeal for Ontario has thrown considerable doubt upon the power of council to pass a by-law which has the effect of tying the hands of the court of revision, with a consequence that the council in preparing its budget each year is totally unable to estimate cancellations, reductions and refunds which the court may order, and the situation has got out of control and is creating deficits and overdrafts in the appropriation for the purpose contained in the budget.

Subsection 2 of Section 1 of the Bill is intended to clarify the situation and declare that councils may pass by-laws to control tax cancellations, etc.

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*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

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MR. LANCASTER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

to provide for Imposing a Tax on the Purchasers of Gasoline.

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MR. MCQUESTEN

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# BILL

An Act to provide for Imposing a Tax on the Purchasers of Gasoline.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Gasoline Tax Act, 1936*.

Inter-pretation.

2. In this Act,—

"Gasoline."

(a) "Gasoline" shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, which are produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause; 1931, c. 23, s. 6, *amended*.

"Minister."

(b) "Minister" shall mean Minister of Highways;

"Purchaser."

(c) "Purchaser" shall mean any person purchasing or receiving delivery in Ontario of gasoline for his own use;

"Regulations."

(d) "Regulations" shall mean regulations made under the authority of this Act. R.S.O. 1927, c. 55, s. 1, cls. (b, d).

Tax payable by purchaser.

3. Every purchaser of gasoline shall pay to the Minister for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of six cents per Imperial gallon on all gasoline purchased or delivery of which is received by him. R.S.O. 1927, c. 55, s. 2; 1929, c. 18, s. 2; 1932, c. 11, s. 2, *amended*.

Regulations.

4. The Lieutenant-Governor in Council may make regulations,—

#### EXPLANATORY NOTES

Section 2. "Gasoline," "Minister," "Purchaser" and "Regulations" are defined.

Section 3. The section imposes a charge or tax on persons purchasing or receiving delivery of gasoline for their own use.

Section 4. The Lieutenant-Governor in Council is authorized to make regulations.



- (a) providing for the collection of the charge or tax imposed by this Act and designating the persons by whom the same shall be collected; R.S.O. 1927, c. 55, s. 4, cl. (a), *amended*.
- (b) providing for the accounting for and paying over of any sums of money collected by or payable to the persons charged with the collection of the charge or tax imposed by this Act and regulating the time and manner of such accounting and payment; R.S.O. 1927, c. 55, s. 4, cl. (b), *amended*.
- (c) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline, the information to be given in such returns and statements and by whom and in what manner they shall be made; R.S.O. 1927, c. 55, s. 4, cl. (c), *amended*.
- (d) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the material to be furnished upon any application for a refund; R.S.O. 1927, c. 55, s. 4, cl. (d), *amended*.
- (e) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations; *New*.
- (f) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath; R.S.O. 1927, c. 55, s. 4, cl. (e), *amended*.
- (g) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 55, s. 4, cl. (g).

Rev. Stat.,  
c. 20.

Penalty  
for making  
false  
return.

**5.** Every person charged with the collection of the charge or tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for

Section 5. Penalties are provided for making a false statement in any return required by the Act or regulations.

a first offence to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both, and for a second or subsequent offence to a penalty of not less than \$1,000 and not exceeding \$10,000 or to a term of imprisonment of not less than one year and not exceeding seven years, or to both. *New.*

Penalty  
for violation  
of Act or  
regula-  
tions.

6. Everyone who violates any of the provisions of this Act or the regulations, for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$10 and not exceeding \$50, or to a term of imprisonment of not less than ten days and not exceeding thirty days, or to both, and for a second or subsequent offence to a penalty of not less than \$50 and not exceeding \$500 or to a term of imprisonment of not less than thirty days and not exceeding six months, or to both. *New.*

Information  
under Act  
to be secret.

7.—(1) No person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Everyone who violates the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.*

Information  
or  
complaint  
within  
three years.

8.—(1) Any information or complaint with respect to any violation of the provisions of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose.

Recovery  
of penalties.

(2) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act* and shall be payable to the Minister. *New.*

Rev. Stat.,  
c. 55,  
1931, c. 23,  
s. 6; 1932,  
c. 11,  
repealed.

9. *The Gasoline Tax Act*, being chapter 55 of the Revised Statutes of Ontario, 1927, section 6 of *The Statute Law Amendment Act*, 1931, and *The Gasoline Tax Act*, 1932, are repealed.

Commence-  
ment of Act

10. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of April, 1936.

Section 6. Penalties are provided for violations of the provisions of the Act and the regulations.

Section 7. Employees of the Government are forbidden to disclose information obtained under this Act to persons not entitled to it and a penalty is provided for a violation of the provision.

Section 8. Proceedings for violations of the Act may be commenced within three years of the violation and the provisions of *The Summary Convictions Act* shall apply.

Section 9. *The Gasoline Tax Act* of 1927 and amendments are repealed.

the Purchasers of Gasoline.

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*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

---

MR. McQUESTEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

## BILL

Act to provide for Imposing a Tax on the Purchasers of Gasoline.

---

MR. MCQUESTEN

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# BILL

## An Act to provide for Imposing a Tax on the Purchasers of Gasoline.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Gasoline Tax Act, 1936*.
- Inter-pretation.      **2.** In this Act,—
- “Gasoline.”      (a) “Gasoline” shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, which are produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause; 1931, c. 23, s. 6, *amended*.
- “Minister.”      (b) “Minister” shall mean Minister of Highways;
- “Purchaser.”      (c) “Purchaser” shall mean any person purchasing or receiving delivery in Ontario of gasoline for his own use;
- “Regulations.”      (d) “Regulations” shall mean regulations made under the authority of this Act. R.S.O. 1927, c. 55, s. 1, cls. (b,-d).
- Tax payable by purchaser.      **3.** Every purchaser of gasoline shall pay to the Minister for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of six cents per Imperial gallon on all gasoline purchased or delivery of which is received by him. R.S.O. 1927, c. 55, s. 2; 1932, c. 11, s. 2, *amended*.
- Regulations.      **4.** The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the collection of the charge or tax imposed by this Act and designating the persons by whom the same shall be collected; R.S.O. 1927, c. 55, s. 4, cl. (a), *amended*.
- (b) providing for the accounting for and paying over of any sums of money collected by or payable to the persons charged with the collection of the charge or tax imposed by this Act and regulating the time and manner of such accounting and payment; R.S.O. 1927, c. 55, s. 4, cl. (b), *amended*.
- (c) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline, the information to be given in such returns and statements and by whom and in what manner they shall be made; R.S.O. 1927, c. 55, s. 4, cl. (c), *amended*.
- (d) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the material to be furnished upon any application for a refund; R.S.O. 1927, c. 55, s. 4, cl. (d), *amended*.
- (e) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations; *New*.
- (f) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath; Rev. Stat., c. 20. R.S.O. 1927, c. 55, s. 4, cl. (e), *amended*.
- (g) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 55, s. 4, cl. (g).

5. Every person charged with the collection of the charge or tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for Penalty for making false return.

# BILL

## An Act to provide for Imposing a Tax on the Purchasers of Gasoline.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Gasoline Tax Act, 1936*.
- Inter-pretation.      **2.** In this Act,—
- “Gasoline.”      (a) “Gasoline” shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, which are produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause; 1931, c. 23, s. 6, *amended*.
- “Minister.”      (b) “Minister” shall mean Minister of Highways;
- “Purchaser.”      (c) “Purchaser” shall mean any person purchasing or receiving delivery in Ontario of gasoline for his own use;
- “Regulations.”      (d) “Regulations” shall mean regulations made under the authority of this Act. R.S.O. 1927, c. 55, s. 1, cls. (b,-d).
- Tax payable by purchaser.      **3.** Every purchaser of gasoline shall pay to the Minister for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of six cents per Imperial gallon on all gasoline purchased or delivery of which is received by him. R.S.O. 1927, c. 55, s. 2; 1932, c. 11, s. 2, *amended*.

Regulations.      **4.** The Lieutenant-Governor in Council may make regulations,—



- (a) providing for the collection of the charge or tax imposed by this Act and designating the persons by whom the same shall be collected; R.S.O. 1927, c. 55, s. 4, cl. (a), *amended*.
- (b) providing for the accounting for and paying over of any sums of money collected by or payable to the persons charged with the collection of the charge or tax imposed by this Act and regulating the time and manner of such accounting and payment; R.S.O. 1927, c. 55, s. 4, cl. (b), *amended*.
- (c) prescribing the returns and statements to be made by importers, manufacturers, vendors and purchasers of gasoline, the information to be given in such returns and statements and by whom and in what manner they shall be made; R.S.O. 1927, c. 55, s. 4, cl. (c), *amended*.
- (d) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the material to be furnished upon any application for a refund; R.S.O. 1927, c. 55, s. 4, cl. (d), *amended*.
- (e) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations; *New*.
- (f) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath; Rev. Stat., c. 20. R.S.O. 1927, c. 55, s. 4, cl. (e), *amended*.
- (g) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 55, s. 4, cl. (g).

5. Every person charged with the collection of the charge or tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for Penalty. for making false return.

a first offence to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both, and for a second or subsequent offence to a penalty of not less than \$1,000 and not exceeding \$10,000 or to a term of imprisonment of not less than one year and not exceeding seven years, or to both. *New.*

Penalty  
for violation  
of Act or  
regula-  
tions.

**6.** Everyone who violates any of the provisions of this Act or the regulations, for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$10 and not exceeding \$50, or to a term of imprisonment of not less than ten days and not exceeding thirty days, or to both, and for a second or subsequent offence to a penalty of not less than \$50 and not exceeding \$500 or to a term of imprisonment of not less than thirty days and not exceeding six months, or to both. *New.*

Information  
under Act  
to be secret.

**7.—(1)** No person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Everyone who violates the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.*

Information  
or  
complaint  
within  
three years.

**8.—(1)** Any information or complaint with respect to any violation of the provisions of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose.

Recovery  
of penalties.  
Rev. Stat.,  
c. 121.

(2) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act* and shall be payable to the Minister. *New.*

Rev. Stat.,  
c. 55,  
1931, c. 23,  
s. 6; 1932,  
c. 11,  
repealed.

**9.** *The Gasoline Tax Act*, being chapter 55 of the Revised Statutes of Ontario, 1927, section 6 of *The Statute Law Amendment Act*, 1931, and *The Gasoline Tax Act*, 1932, are repealed.

Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of April, 1936.









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*1st Reading*

March 13th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. MCQUESTEN

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No. 82

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act respecting the Handling of Gasoline.

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MR. McQUESTEN

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# BILL

## An Act respecting the Handling of Gasoline.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Gasoline Handling Act, 1936*.

Interpre-      **2.** In this Act,—  
tation.

"Gasoline."      (a) "Gasoline" shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause; 1934, c. 20, s. 2, cl. (b), *amended*.

"Minister."      (b) "Minister" shall mean Minister of Highways; 1934, c. 20, s. 2, cl. (c).

"Person."      (c) "Person" shall include firm, partnership, corporation, club, association and syndicate; 1934, c. 20, s. 2, cl (e).

"Regulations."      (d) "Regulations" shall mean regulations made under the authority of this Act. *New*.

License to      **3.—(1)** No person shall offer for sale, or sell gasoline, sell gasoline. kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act. 1934, c. 20, s. 3, *amended*.

License to      (2) No person, other than a railway company, shall transport gasoline, kerosene or distillate in Ontario unless licensed transport gasoline. so to do by the Minister under this Act.

#### EXPLANATORY NOTES

Section 2. "Gasoline," "Minister," "Person" and "Regulations" are defined.

Section 3.—(1) Persons selling gasoline, kerosene or distillate must be licensed.

(2) Persons, other than railway companies, transporting gasoline, kerosene or distillate must be licensed.



Exemption.

(3) Where it appears to the satisfaction of the Minister that any vendor of kerosene or distillate is only retailing such products for domestic purposes other than the generating of power by means of internal combustion, and the amount of such products-retailed by him during the calendar year is not in excess of one thousand gallons, the Minister may exempt such vendor from the provisions of this section.

Penalty.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence, to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. *New.*

License to mix, combine or compound gasoline with other substance for sale.

4.—(1) No person shall mix, combine or compound any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale unless licensed so to do by the Minister.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding three months, or to both, and for a second or subsequent offence to a penalty of not less than \$500 and not exceeding \$1,000, or to a term of imprisonment of not less than three months and not exceeding six months, or to both. *New.*

Refusal to grant, revocation or suspension of license.

5. The Minister may refuse to grant a license to any person and may revoke or suspend any license issued under this Act. 1934, c. 20, s. 4, *amended*.

Returns as to sale, etc., of gasoline.

6. Every person who, in Ontario, during any calendar month has manufactured gasoline, or has combined or compounded any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale, or has imported gasoline into Ontario, or usually manufactures or imports gasoline, shall within ten days immediately following the end of such calendar month, furnish to the Minister a return in such form as may be prescribed by the regulations. 1934, c. 20, s. 5, *amended*.

Returns of persons receiving importations of gasoline.

7. When gasoline is shipped from a place out of Ontario to a place within Ontario, by means of a carrier, the person

(3) The Minister may exempt certain vendors from the operation of the Act.

(4) Penalties are provided for violations of the section.

Section 4.—(1) Persons are forbidden to mix gasoline or its constituents with any other constituent or substance unless licensed.

(2) Penalties are provided for violations of the section.

Section 5. The Minister may refuse a license to any person and may revoke or suspend any license.

Section 6. Certain handlers of gasoline are required to make returns.

Section 7. Information is required from persons receiving gasoline from outside of Ontario.

receiving such gasoline in Ontario shall obtain and retain the bill of lading issued for such shipment and show it to any officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, on his request, provided, however, that the inspection shall be made within two years from the receiving of the gasoline, and when such shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving such gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made. 1934, c. 20, s. 6, *amended*.

Returns of  
transporter

**8.** Every person who during any calendar month transports gasoline from a place out of Ontario into Ontario, shall within ten days immediately following the end of such calendar month furnish to the Minister a return in such form as may be prescribed by the regulations showing the quantity of gasoline so transported and the name of the person to whom it is delivered in Ontario. 1934, c. 20, s. 7, *amended*.

Exception as  
to shipments  
through  
Ontario.

**9.** No provision of this Act shall be interpreted as forbidding the continuous transportation of gasoline with or without trans-shipment, through Ontario from a place out of Ontario to any other place also out of Ontario, provided that the transportation of any gasoline without a bill of lading evidencing shipment from a place out of Ontario to any other place also out of Ontario, shall create a *prima facie* presumption that such gasoline is intended for delivery within Ontario. 1934, c. 20, s. 9.

Installation  
of  
mechanical  
appliances.

**10.—(1)** The Minister may require any manufacturer, importer, jobber or vendor of gasoline to instal, at his own expense, automatic meters or other apparatus approved by the Minister.

Approval of  
apparatus by  
Minister.

**(2)** The use of such meters or other apparatus shall be subject to the control of the Minister who may also at any time require the use of such other apparatus or devices as he may deem advisable. 1934, c. 20, s. 8, *amended*.

Inspection.

**11.** Every officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may—

- (a) enter, at any reasonable hour, the premises of any manufacturer, importer, jobber or vendor of gasoline and examine all books and records, take measurements and otherwise obtain all information from

Section 8. Transporters of gasoline brought into Ontario are required to make returns.

Section 9. Gasoline passing through Ontario is exempted from the provisions of section 7 and 8.

Section 10. Handlers of gasoline may be required to instal automatic meters and other devices.

Section 11. Certain officers may make inspections of premises and take samples of liquids from premises and conveyances.



such manufacturer, importer, jobber or vendor and the servants, agents and employees of such manufacturer, importer, jobber or vendor as he may deem necessary or desirable; and

- (b) take from any premises or conveyance samples or specimens of any liquid which he has reason to believe is, or contains gasoline, distillate or kerosene. 1934, c. 20, s. 10, *amended*.

Power to close premises for contravention of Act.

**12.** In addition to any other remedies given by this Act in the case of any person selling gasoline without having a subsisting license under this Act, any person acting under the authority and instructions of the Minister may close the place or places of business of such person and prevent any sale of gasoline by him until he has complied with the provisions of this Act and the regulations. 1934, c. 20, s. 12, *amended*.

Regulations.

**13.** The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations; 1934, c. 20, s. 13, cl. (a).
- (b) providing for the issuing of licenses authorized by this Act and for the production or posting thereof and prescribing the fees payable therefor; *New*.
- (c) prescribing the records and books relating to gasoline, kerosene and distillate to be kept by any person or class of persons whether or not such person or class of persons is licensed under this Act; *New*.
- (d) providing for the making of returns and statements by any person or class of persons whether or not such person or class of persons is licensed under this Act; 1934, c. 20, s. 13, cl. (b), *amended*.
- (e) exempting any person or class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; 1934, c. 20, s. 13, cl. (c), *amended*.
- (f) requiring that all gasoline stored or offered for sale in Ontario shall be graded according to such scale as the regulations may prescribe;
- (g) requiring importers, manufacturers, jobbers and vendors of gasoline to indicate the grade and price of gasoline offered for sale;

Section 12. The premises of persons selling gasoline without a license may be closed.

Section 13. The Lieutenant-Governor in Council may make regulations relating to certain matters.



- (h) fixing the grade or quality of gasoline which may be offered for sale;
- (i) providing for the sealing of pumps, tanks, reservoirs and other containers of gasoline;
- (j) prescribing the construction, equipment and operation of conveyances and containers used for the transportation and storage of gasoline, kerosene and distillate;
- (k) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath; *New.*
- (l) generally for the better carrying out of the provisions of this Act. 1934, c. 20, s. 13, cl. (d).

Rev. Stat.,  
c. 20.

Penalty  
for making  
false  
return.

**14.** Every person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$1,000, or to a term of imprisonment of not less than one month and not exceeding six months, or to both, and for a second or subsequent offence, to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both. *New.*

Penalty for  
violation of  
Act or regu-  
lations.

**15.** Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1934. c. 20, s. 11, *amended.*

Information  
under Act  
to be secret.

**16.—**(1) No person employed by the Government of Ontario shall communicate or allow to be communicated to any

Section 14. Penalties are provided for the making of false statements.

Section 15. Penalties are provided for violations of the Act.

Section 16. Employees of the Government are forbidden to disclose information obtained under the provisions of this Act to persons not entitled to it and penalties are provided for a violation of the section.

person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

**Penalty.**

(2) Every person who violates the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.*

**Information or complaint within three years.**

**17.—(1)** Any information or complaint with respect to any violation of the provisions of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose. *New.*

**Recovery of penalties.**

**Rev. Stat., c. 121.**

(2) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act* and every such penalty shall be payable to the Minister. 1934, c. 20, s. 11, *part.*

**1934, c. 20 repealed.**

**18.** *The Gasoline Handling Act, 1934*, is repealed.

**Commencement of Act.**

**19.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of April, 1936.

Section 17. Proceedings may be commenced within three years of a violation, and the provisions of *The Summary Convictions Act* shall apply.

Section 18. *The Gasoline Handling Act, 1934*, is repealed.







An Act respecting the Handling  
of Gasoline.

---

*1st Reading*

March 13th, 1936

*2nd Reading*

*3rd Reading*

---

MR. McQUESTEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Handling of Gasoline.

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MR. MCQUESTEN

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No. 82

1936

# BILL

## An Act respecting the Handling of Gasoline.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Gasoline Handling Act, 1936.*

Interpre-      **2.** In this Act,—  
tation.

"Gasoline."      (a) "Gasoline" shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause; 1934, c. 20, s. 2, cl. (b), *amended.*

"Minister."      (b) "Minister" shall mean Minister of Highways; 1934, c. 20, s. 2, cl. (c).

"Person."      (c) "Person" shall include firm, partnership, corporation, club, association and syndicate; 1934, c. 20, s. 2, cl. (e).

"Regulations."      (d) "Regulations" shall mean regulations made under the authority of this Act. *New.*

License to sell gasoline.      **3.—(1)** No person shall offer for sale, or sell gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act. 1934, c. 20, s. 3, *amended.*

License to transport gasoline.      (2) No person, other than a railway company, shall transport gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act.

(3) Where it appears to the satisfaction of the Minister <sup>Exemption.</sup> that any vendor of kerosene or distillate is only retailing such products for domestic purposes other than the generating of power by means of internal combustion, and the amount of such products retailed by him during the calendar year is not in excess of one thousand gallons, the Minister may exempt such vendor from the provisions of this section.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence, to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. *New.* <sup>Penalty.</sup>

4.—(1) No person shall mix, combine or compound any constituent of gasoline with any other substance or material <sup>License to mix, combine or compound gasoline with other substance for sale.</sup> whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale unless licensed so to do by the Minister.

(2) Every person who violates the provisions of subsection 1 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding three months, or to both, and for a second or subsequent offence to a penalty of not less than \$500 and not exceeding \$1,000, or to a term of imprisonment of not less than three months and not exceeding six months, or to both. *New.* <sup>Penalty.</sup>

5. The Minister may refuse to grant a license to any person and may revoke or suspend any license issued under this Act. <sup>Refusal to grant, revocation or suspension of license.</sup> 1934, c. 20, s. 4, *amended.*

6. Every person who, in Ontario, during any calendar month has manufactured gasoline, or has combined or compounded any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale, or has imported gasoline into Ontario, or usually manufactures or imports gasoline, shall within ten days immediately following the end of such calendar month, furnish to the Minister a return in such form as may be prescribed by the regulations. 1934, c. 20, s. 5, *amended.* <sup>Returns as to sale, etc., of gasoline.</sup>

7. When gasoline is shipped from a place out of Ontario to a place within Ontario, by means of a carrier, the person <sup>Returns of persons receiving importations of gasoline.</sup>



receiving such gasoline in Ontario shall obtain and retain the bill of lading issued for such shipment and show it to any officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, on his request, provided, however, that the inspection shall be made within two years from the receiving of the gasoline, and when such shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving such gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made. 1934, c. 20, s. 6, *amended*.

Returns of  
transporter

**8.** Every person who during any calendar month transports gasoline from a place out of Ontario into Ontario, shall within ten days immediately following the end of such calendar month furnish to the Minister a return in such form as may be prescribed by the regulations showing the quantity of gasoline so transported and the name of the person to whom it is delivered in Ontario. 1934, c. 20, s. 7, *amended*.

Exception as  
to shipments  
through  
Ontario.

**9.** No provision of this Act shall be interpreted as forbidding the continuous transportation of gasoline with or without trans-shipment, through Ontario from a place out of Ontario to any other place also out of Ontario, provided that the transportation of any gasoline without a bill of lading evidencing shipment from a place out of Ontario to any other place also out of Ontario, shall create a *prima facie* presumption that such gasoline is intended for delivery within Ontario. 1934, c. 20, s. 9.

Install-  
ation of  
mechanical  
appliances.

**10.—(1)** The Minister may require any manufacturer, importer, jobber or vendor of gasoline to instal, at his own expense, automatic meters or other apparatus approved by the Minister.

Approval of  
apparatus by  
Minister.

**(2)** The use of such meters or other apparatus shall be subject to the control of the Minister who may also at any time require the use of such other apparatus or devices as he may deem advisable. 1934, c. 20, s. 8, *amended*.

Inspection.

**11.** Every officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may—

- (a) enter, at any reasonable hour, the premises of any manufacturer, importer, jobber or vendor of gasoline and examine all books and records, take measurements and otherwise obtain all information from

such manufacturer, importer, jobber or vendor and the servants, agents and employees of such manufacturer, importer, jobber or vendor as he may deem necessary or desirable; and

- (b) take from any premises or conveyance samples or specimens of any liquid which he has reason to believe is, or contains gasoline, distillate or kerosene. 1934, c. 20, s. 10, *amended*.

**12.** In addition to any other remedies given by this Act in the case of any person selling gasoline without having a subsisting license under this Act, any person acting under the authority and instructions of the Minister may close the place or places of business of such person and prevent any sale of gasoline by him until he has complied with the provisions of this Act and the regulations. 1934, c. 20, s. 12, *amended*.

Power to close premises for contravention of Act.

**13.** The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations; 1934, c. 20, s. 13, cl. (a).
- (b) providing for the issuing of licenses authorized by this Act and for the production or posting thereof and prescribing the fees payable therefor;
- (c) prescribing the records and books relating to gasoline, kerosene and distillate to be kept by any person or class of persons whether or not such person or class of persons is licensed under this Act; *New*.
- (d) providing for the making of returns and statements by any person or class of persons whether or not such person or class of persons is licensed under this Act; 1934, c. 20, s. 13, cl. (b), *amended*.
- (e) exempting any person or class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof; 1934, c. 20, s. 13, cl. (c), *amended*.
- (f) requiring that all gasoline stored or offered for sale in Ontario shall be graded according to such scale as the regulations may prescribe;
- (g) requiring importers, manufacturers, jobbers and vendors of gasoline to indicate the grade and price of gasoline offered for sale;



- (h) fixing the grade or quality of gasoline which may be offered for sale;
- (i) providing for the sealing of pumps, tanks, reservoirs and other containers of gasoline;
- (j) prescribing the construction, equipment and operation of conveyances and containers used for the transportation and storage of gasoline, kerosene and distillate;
- (k) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath; *New.*
- (l) generally for the better carrying out of the provisions of this Act. 1934, c. 20, s. 13, cl. (d).

Rev. Stat.,  
c. 20.

Penalty  
for making  
false  
return.

**14.** Every person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$1,000, or to a term of imprisonment of not less than one month and not exceeding six months, or to both, and for a second or subsequent offence, to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both. *New.*

Penalty for  
violation of  
Act or regu-  
lations.

**15.** Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1934. c. 20, s. 11, *amended.*

Information  
under Act  
to be secret.

**16.—(1)** No person employed by the Government of Ontario shall communicate or allow to be communicated to any

person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

(2) Every person who violates the provisions of this section <sup>Penalty.</sup> shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.*

**17.**—(1) Any information or complaint with respect to <sup>Information or complaint</sup> any violation of the provisions of this Act or the regulations <sup>within three years.</sup> may be laid or made within three years from the time when the matter of such information or complaint arose. *New.*

(2) The penalties imposed by this Act shall be recoverable <sup>Recovery of penalties.</sup> under the provisions of *The Summary Convictions Act* and <sup>Rev. Stat., 1934, c. 121.</sup> every such penalty shall be payable to the Minister. 1934, c. 20, s. 11, *part.*

**18.** *The Gasoline Handling Act, 1934*, is repealed. <sup>1934, c. 20 repealed.</sup>

**19.** This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent and shall have effect from the <sup>ment of</sup> the Act. 1st day of April, 1936.

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*1st Reading*

March 13th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. MCQUESTEN

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No. 83

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. GORDON

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Municipal Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.  
c. 233, s. 53,  
amended.

**1.** Section 53 of *The Municipal Act* is amended by adding thereto the following subsection:

Ineligibility  
of member  
whose term  
of office is  
not expired  
to qualify  
for another  
office unless  
he resigns  
his present  
office.

(1a) In any municipality in which under the provisions of this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least one month to run after the day on which the nomination meeting for the annual municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

Rev. Stat.,  
c. 233, s. 160,  
amended.

**2.** Section 160 of *The Municipal Act* is amended by adding thereto the following clause:

(f) files his resignation with the clerk of the municipality as provided in subsection 1a of section 53 for the purpose of becoming a candidate for council in some other office.

Rev. Stat.,  
c. 233, s. 166,  
amended.

**3.** Section 166 of *The Municipal Act* is amended by adding thereto the following subsection:

Vacancies  
not  
requiring a  
by-election.

(5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 1a of section 53, the vacancy shall not be filled in the manner provided in section 164 or 165, but the seat shall remain vacant until



## EXPLANATORY NOTES

In municipalities which under *The Municipal Act* or according to a special Act have members of council elected for more than a one-year term, it sometimes happens that a member at the end of the first year of his term seeks to run for some other seat in council, as, for instance, a councillor or alderman seeking office as mayor. Under the law as it now stands, he may seek such other office and be defeated therein, but notwithstanding such defeat he retains and continues his original seat as a member of council until the full term to which he was elected runs out.

It is thought that in such cases a member must choose between the seat he holds and the seat he aspires to, and if he chooses to run for the latter seat he must first resign his present office. This Bill is for the purpose of expressing such thought in the Statutes.

Section 1. Requires a member of council elected for a term of two or more years not expiring to resign his seat if he desires to qualify for any other seat in council.

Section 2. Declares a vacancy when a member resigns his seat as provided in section 1 of the Bill.

Section 3. Avoids a by-law election immediately preceding an annual election if a member of council resigns his seat as provided in section 1 of the Bill. The vacancy will only be for a short period, not more than three weeks.



the next ensuing annual election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office.

Rev. Stat.,  
c. 233, s. 502,  
amended.

4. Section 502 of *The Municipal Act* is amended by adding thereto the following paragraph:

Installation  
of meters for  
controlling  
parking of  
vehicles on  
highways,  
and  
charging  
of fees for  
parking.

7. For erecting, maintaining and operating, or granting to any person for such period of time, not exceeding ten years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating on any highway or portion of a highway automatic or or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

Rev. Stat.,  
c. 240, not  
applicable.

- (a) It shall not be necessary for the council to comply with any requirement of *The Municipal Franchises Act* in granting to any person the right to erect, maintain and operate the said meters or devices.

Limitation  
of actions  
except for  
negligence.

- (b) The corporation, or a person to whom the right is granted, shall not, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Section 4. Is to authorize councils to pass by-laws under which the system of "park-o-meter" control of motor vehicle parking may be established in any municipality which desires to introduce the system.





*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

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MR. GORDON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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---

# BILL

An Act to amend The Municipal Act.

---

MR. SCHWENGER

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233,  
amended.

1. *The Municipal Act* is amended by adding thereto the following section:

New  
election  
in case of  
death of  
candidate.

71a. If a candidate for any office dies after being nominated and before the close of the poll, the returning officer shall fix a new day for nomination of candidates for such office and for polling, and the proceedings in such case shall as nearly as practicable be the same as for a new election.

#### EXPLANATORY NOTES

*The Municipal Act* makes no provision as to election matters in case a candidate dies between nomination meeting and the close of the poll. Such a circumstance happens upon occasion. It did recently in two municipalities, in the one case a candidate dying between nomination and polling days, and in the other while polling was in progress.

In such circumstances, it cannot be said that the electors have an opportunity to express their will fully and freely, because it might happen that where only two candidates qualified, and the death of one occurred, the election would really become abortive.

Under *The Election Act*, section 62, it is provided in respect to elections of members of the Assembly that if a candidate dies between nomination and the close of the poll, a new election has to be ordered by the returning officer.

This Bill is to amend *The Municipal Act* so that it will contain a provision similar to that in *The Election Act*.

*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

---

MR. SCHWENGER

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Utilities Act.

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MR. DICKSON

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# BILL

## An Act to amend The Public Utilities Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Utilities Amendment Act, 1936*.

Rev. Stat.,  
c. 249, s. 36,  
amended.      **2.**—(1) Section 36 of *The Public Utilities Act* is amended by adding thereto the following subsection:

Officers,  
etc., to  
hold office  
during  
pleasure.      (2a) Every officer, employee and servant of a commission shall hold office during the pleasure of the commission.

Exception  
as to  
existing  
contractual  
employment.      (2) Subsection 1 shall not apply to any officer, employee or servant of a commission in the employ of the commission at the time when this Act comes into force between whom and the commission a contractual relationship as to the term of the employment was entered into prior to the 1st day of March, 1936, provided that any such contractual relationship in respect to the term of such employment shall not in any event extend or remain in effect after the 31st day of December, 1937, and thereafter if such employment continues it shall be subject to the provisions of subsection 1.

\* Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

*The Public Utilities Act* does not contain a provision that officials and employees hold office during the pleasure of the Commission.

Under *The Municipal Act* civic officials hold office during pleasure of the council, and that is the common practice in connection with public officers and employees, as, for instance, of the Civil Service of the Dominion and the provinces.

This Bill is to provide that the same rule as applies in other directions shall apply to the officials and employees of a utility commission.

As in the past some commissions have entered into contracts with officials as to the term of their employment, a saving clause is inserted in the Bill to protect these contracts for a reasonable period.



---

*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

---

MR. DICKSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Public Utilities Act.

---

MR. DICKSON

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# BILL

## An Act to amend The Public Utilities Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Utilities Amendment Act, 1936*.

Rev. Stat.,  
c. 249, s. 36,  
amended.      **2.**—(1) Section 36 of *The Public Utilities Act*, as amended by section 3 of *The Public Utilities Act, 1931*, is further amended by adding thereto the following subsection:

Officers,  
etc., to  
hold office  
during  
pleasure.      (2a) Every officer, employee and servant of a commission shall hold office during the pleasure of the commission.

Exception  
as to  
existing  
contractual  
employment.      (2) Subsection 1 shall not apply to any officer, employee or servant of a commission in the employ of the commission at the time when this Act comes into force between whom and the commission a contractual relationship as to the term of the employment was entered into prior to the 1st day of March, 1936, provided that any such contractual relationship in respect to the term of such employment shall not in any event extend or remain in effect after the 31st day of December, 1937, and thereafter if such employment continues it shall be subject to the provisions of subsection 1.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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*1st Reading*

March 16th, 1936

*2nd Reading*

March 20th, 1936

*3rd Reading*

April 9th, 1936

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MR. DICKSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

---

MR. BAKER

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# BILL

## An Act to amend The Assessment Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 4,  
par. 4,  
re-enacted.

1. Paragraph 4 of section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Philan-  
thropic and  
religious  
seminaries.

4. The buildings and grounds of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary.

Educational  
seminaries.

4a. The buildings and grounds not exceeding in the whole twenty acres of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary, and such exemption shall not extend to include any part of the lands of such a seminary which are used for farming or agricultural pursuits and are worked on shares with any other person, or if the annual or other crops, or any part thereof, from such lands are sold.

#### EXPLANATORY NOTES

The growing practice of private schools taking up large acreages, which thereupon become exempt from taxation because the lands form part of the holdings of a seminary of learning, has reached a point which in many municipalities deprives the corporation of obtaining tax revenue from appreciable quantities of land. Much of the holdings thus acquired is not actually used in the carrying on of the school, but is devoted to farming purposes and the crops are disposed of in the market in competition with farmers whose lands are taxed.

This Bill has for its object a limitation upon the quantity of land which a private school may enjoy as being tax exempt. The limit is set at twenty acres. Land used for farming purposes is not to be exempt if the crops are sold, or the place is worked on shares.

No change from the present law as to exemption of seminaries of learning for philanthropic or religious purposes is made.

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*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

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MR. BAKER

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No. 87

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. GARDHOUSE

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 87

1936

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 56,  
subs. 5,  
re-enacted.

1. Subsection 5 of section 56 of *The Municipal Act* is repealed and the following substituted therefor:

Joint  
ownership  
or tenancy.

- (5) Where land is owned or occupied jointly but not severally by two or more owners or occupants, and the amount of the rating is sufficient to give a qualification to one of such joint owners or occupants, each of such joint owners or occupants shall be deemed to be rated within the meaning of this section.

#### EXPLANATORY NOTES

At present in the case of joint owners or joint tenants, none of them get a vote unless the property is rated at an amount sufficient, if divided equally between them, to give all a vote. That rule does not apply, however, unless there is joint ownership or tenancy. Consequently, even if a property is rated at only the bare minimum, and there is no joint holding, not only the owner and tenant each get a vote, but also their wives.

There is no good reason for continuing the discrimination of the present Act against joint owners or joint tenants, and the object of this Bill is to remove the discrimination.



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*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

---

MR. GARDHOUSE

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. LAWRENCE

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. stat.,  
c. 233,  
amended.

**1.** *The Municipal Act* is amended by adding thereto the following section:

Municipal  
officers and  
employees  
pensions  
fund.

**256a.**—(1) The council of any municipality may establish a pension fund for the purpose of officers and employees of the corporation being entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the corporation.

Approval of  
Municipal  
Board and  
report of  
Superinten-  
dent of  
Insurance.

(2) No pension fund shall be established under this section until the approval of the Ontario Municipal Board has been obtained, and the said Board before approving any pension fund shall obtain from the Superintendent of Insurance for Ontario a report as to the actuarial soundness of the fund proposed to be established.

Contribu-  
tions to fund.

(3) Every pension fund established under this Act shall provide for contributions thereto by officers and employees of the corporation and by the corporation itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund.

Management  
of fund.

(4) Every by-law for the establishment of a pension fund shall make provision for the management of the fund and investments forming any part thereof, and as to contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board constituted as set forth in the by-law.

Rules and  
regulations.

(5) The rights, privileges, liabilities and responsibilities of every contributor to a pensions fund established under this section shall be as set forth in the by-law

#### EXPLANATORY NOTE

*The Municipal Act* contains authority for the establishment of a municipal pension fund for officials and employees of a municipality. This Bill is to enable such funds to be established on a contributory basis, with the municipality and the employee to contribute. The fund can only be set up with the approval of the Municipal Board to ensure that suitable provision is made to establish a proper scheme and an effective system of management, and every fund is to be subject to the supervision of the Superintendent of Insurance to ensure that it will be started and continued on a sound actuarial basis.

establishing the same, and the rules and regulations prescribed by the management board.

Powers of  
management  
board.

- (6) The management board of a pensions fund shall have such powers as are set forth in the by-law constituting the same, and may make such rules and regulations for the management of the fund and respecting the rights, privileges, liabilities and responsibilities of contributions to the fund as to the management board may from time to time appear necessary or expedient, but not so as to conflict with the provisions of the Act or of the by-law establishing the pensions fund.

Municipal  
contributions  
to fund.

- (7) The council shall have power to and it shall yearly provide such sum or sums in contribution to the pensions fund as may be provided for in the by-law establishing the same, or as may be directed by the Superintendent of Insurance, and for such purpose shall have power to and shall levy a special yearly rate on all the rateable property in the municipality according to its last revised assessment roll.

Supervision  
of fund by  
the Superin-  
tendent of  
Insurance.

- (8) The Superintendent of Insurance shall have jurisdiction over every pension fund established under this section, and may require such annual or other periodic or special returns, statements and particulars to be furnished to him respecting any such fund as he may deem requisite, and may cause such annual, periodic or special inquiry into the state of any such fund as to him may appear necessary or expedient.

Variation of  
by-laws for  
pensions  
fund.

- (9) Any by-law to establish a pension fund may from time to time be amended as may be required by the Superintendent of Insurance or the Ontario Municipal Board, and no such by-law shall be amended or repealed without the approval of the Superintendent of Insurance and the said Board first being obtained.









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*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

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MR. LAWRENCE

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. ANDERSON

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*1st Reading*

March 16th, 1936

*2nd Reading*

*3rd Reading*

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MR. ANDERSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

Act to regulate the Forest Resources of the Province of Ontario.

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MR. HEENAN

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# BILL

## An Act to regulate the Forest Resources of the Province of Ontario.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Forest Resources Regulation Act, 1936*.

Interpre-     **2.** In this Act,—  
tation.

"Company."     (a) "Company shall include every corporation, firm, partnership or individual operating in Ontario and manufacturing mechanical pulp, chemical pulp, paper, lumber, or any other product of the forest;

"Crown timber."     (b) "Crown timber" shall mean trees standing, growing or being on ungranted public lands and trees standing, growing or being on other lands where the rights to such trees are reserved in the Crown and shall include the timber derived from all such trees until all dues and charges payable under *The Crown Timber Act* have been paid;

Rev. Stat.,  
c. 38.

"Department."     (c) "Department" shall mean the Department of Lands and Forests;

"Minister."     (d) "Minister" shall mean the Minister of Lands and Forests.

Power of  
Lieutenant-  
Governor  
in Council.

**3.** Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for the more efficient and economical operation of the forest products industries and for effecting the most advantageous utilization of the timber resources of the Province, and may,—

(a) fix the kinds and quantities of Crown timber to be cut from lands over which any company holds

#### EXPLANATORY NOTES

General. The object of this Bill is to restore to the Crown a measure of control over the areas and the timber on such areas which have been alienated by the Crown to various concessionaires and for more readily controlling the supply of pulpwood to be used in the pulp and paper mills.

Section 2. Defines "company," "Crown timber," "Department," and "Minister."

Section 3. The Lieutenant-Governor in Council is authorized to make certain regulations, and

Clause (a) gives power to control the quantities and kinds of timber to be cut from any areas and to be used in any mill.

cutting rights which shall be used by such company for conversion into pulp, paper or other products within any stated period;

- (b) increase or reduce the size of the area or areas included in any license, lease, concession agreement or arrangement, having regard at all times to the maintenance of a sufficient supply of timber for the purposes of any existing, operating mill;
- (c) exclude any type, size or class of timber from the provisions of any such license, lease, concession agreement or arrangement;
- (d) limit the cutting of the timber included in any such license, lease, concession agreement or arrangement to such material in respect of the size, age, quality, types and distribution as may be deemed consistent with approved forestry methods;
- (e) increase the stumpage charges payable by any company in respect of Crown timber held, owned, used or cut by such company during any period, to an amount not exceeding five times such stumpage charges where in the opinion of the Lieutenant-Governor in Council such company or any person or corporation employed or controlled by such company is operating or carrying on business in a manner detrimental to the public interest, either in respect of the Crown revenues, the stability of the forest products industries or the maintenance of fair wages and proper labour conditions, and may require such increased stumpage charges to be paid upon demand.

Minister  
may require  
infor-  
mation.

4.—(1) The Minister may require any company to furnish to him in writing and under oath such information relating to the utilization, transformation or disposal of timber and the products thereof as he may deem necessary for the purposes of this Act.

Informa-  
tion  
to be  
furnished.

(2) Notice of such requirement may be forwarded to the company by prepaid registered mail, and such information shall be furnished to the Minister within the time specified in such notice.

Provisions  
for  
violations.

5. Every company which violates any of the provisions of this Act, or the regulations, shall incur a penalty of \$1,000 for every day during which such violation continues in addition to any other penalty or charge imposed by the provisions of this or any other Act and such penalty may be recovered in the manner provided for the recovery of timber

Clause (b). There are a number of concession agreements in which vast areas of timber land are included. This clause permits the removal from the concession agreement of such areas as are not required for the maintenance of an adequate supply of pulpwood. The timber lands of some pulp and paper mills are on watersheds, the operation of which entails great expense. This clause will permit the removal of such areas from the concession agreement and substitute therefor areas in watersheds more readily accessible and possible of a more economical operation.

Clause (c). Many of the concession agreements have included in them certain kinds of timber which are not now, and so far as science has yet discovered, will not in the near future be adaptable for the manufacture of pulp and paper. This Act provides the machinery whereby such timber may be removed from the purview of the concession agreement. Areas and timber thus released will be thereupon available for the general lumbering industry of the Province.

Clause (d) gives power to limit cutting as may be consistent with approved forestry methods.

Clause (e) provides for the imposition of extra charges against any company which is operating in any manner deemed detrimental to the public interests, either in respect of Crown revenues, the stability of the forest products industries or the maintenance of fair wages and proper labour conditions.

Section 4. Provides the machinery whereby the Minister may acquaint himself with all the details of a pulp and paper company's operations which are essential for the proper understanding and control and stabilization of the industry.

Section 5. Provides penalties for violations and the method of collections.

Rev. Stat.,  
c. 38. dues by *The Crown Timber Act* and the regulations made thereunder.

Commence-  
ment of Act. **6.** This Act shall come into force on the day upon which it receives the Royal Assent.







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*1st Reading*

March 17th, 1936

*2nd Reading*

*3rd Reading*

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MR. HEENAN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

t to regulate the Forest Resources of the Province of Ontario.

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MR. HEENAN

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# BILL

## An Act to regulate the Forest Resources of the Province of Ontario.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Forest Resources Regulation Act, 1936*.

Interpre-     **2.** In this Act,—  
tation.

"Company."     (a) "Company shall include every corporation, firm, partnership or individual operating in Ontario and manufacturing mechanical pulp, chemical pulp, paper, lumber, or any other product of the forest;

"Crown timber."     (b) "Crown timber" shall mean trees standing, growing or being on ungranted public lands and trees standing, growing or being on other lands where the rights to such trees are reserved in the Crown and shall include the timber derived from all such trees until all dues and charges payable under *The Crown Timber Act* have been paid;

"Department."     (c) "Department" shall mean Department of Lands and Forests;

"Minister."     (d) "Minister" shall mean the Minister of Lands and Forests.

Power of Lieutenant-Governor in Council.     **3.** Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for the more efficient and economical operation of the forest products industries and for effecting the most advantageous utilization of the timber resources of the Province, and may,—

(a) Fix the kinds and quantities of timber which shall be cut, within any stated period, from lands over

which any company holds cutting rights granted by the Crown, having regard to the reasonable business requirements of such company, and fix the kinds and quantities of timber cut from such lands which shall be used by such company for conversion into pulp, paper or other products within any stated period;

- (b) increase or reduce the size of the area or areas included in any license, lease, concession agreement or arrangement, having regard at all times to the maintenance of a sufficient supply of timber for the purposes of the business of the company holding such license, lease, concession agreement or arrangement;
- (c) exclude any type, size or class of timber from the provisions of any such license, lease, concession agreement or arrangement where, in the opinion of the Minister, such timber is not required for the purposes of the business of the company holding such license, lease, concession agreement or arrangement;
- (d) limit the cutting of the timber included in any such license, lease, concession agreement or arrangement to such material in respect of the size, age, quality, types and distribution as may be deemed consistent with approved forestry methods;
- (e) increase the stumpage charges payable by any company in respect of timber to be cut during any period from lands over which any company holds cutting rights granted by the Crown and in respect of timber cut from such lands and held, owned or used by such company during any period, to an amount not exceeding five times such stumpage charges where in the opinion of the Lieutenant-Governor in Council such company or any person or corporation employed or controlled by such company is operating or carrying on business in a manner detrimental to the public interest, either in respect of the Crown revenues, the stability of the forest products industries or the maintenance of fair wages and proper labour conditions, and may require such increased stumpage charges to be paid upon demand.

4.—(1) The Minister may require any company to furnish to him in writing and under oath such information relating to the utilization, transformation or disposal of timber and the products thereof as he may deem necessary for the purposes of this Act.

Minister  
may require  
information.

Information  
to be  
furnished.

(2) Notice of such requirement may be forwarded to the company by prepaid registered mail, and such information shall be furnished to the Minister within the time specified in such notice.

Provisions  
for  
violations.

5. Every company which violates any of the provisions of this Act, or the regulations, shall incur a penalty of \$1,000 for every day during which such violation continues in addition to any other penalty or charge imposed by the provisions of this or any other Act and such penalty may be recovered in the manner provided for the recovery of timber dues by *The Crown Timber Act* and the regulations made thereunder.

Rev. Stat.,  
c. 38.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.









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*1st Reading*

March 17th, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 9th, 1936

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MR. HEENAN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Game and Fisheries Act.

---

MR. MACFIE

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# BILL

An Act to amend The Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 318, s. 61,  
amended.

**1.** Section 61 of *The Game and Fisheries Act* as amended by section 19 of *The Game and Fisheries Act, 1933*, is further amended by adding thereto the following subsection:

Prohibition  
against  
trespassing  
in county of  
Middlesex.

(6) No person shall go upon any occupied lands in the county of Middlesex with any fire-arm in his possession without the permission of the owner or tenant or other person in possession, provided that the provisions of this subsection shall not apply to persons going upon such lands between the 1st day of December and the 15th day of February for the purpose of hunting jack rabbits.

Exception  
as to  
jack rabbit  
hunting.

"Occupied  
lands,"—  
meaning of.

(a) For the purposes of this subsection "occupied lands" shall mean lands upon which the owner or tenant or other person in possession resides and adjoining lands which are in the possession of such person.

Rev. Stat.,  
c. 318, s. 64,  
amended.

**2.** Section 64 of *The Game and Fisheries Act* as amended by section 20 of *The Game and Fisheries Act, 1933*, and section 7 of *The Game and Fisheries Act, 1934*, is further amended by adding thereto the following subsection:

Penalty for  
trespassing  
in county of  
Middlesex.

(5c) Any person who commits an offence against the provisions of subsection 6 of section 61 shall for each offence incur a penalty not exceeding \$10.

#### EXPLANATORY NOTES

Section 1. The section forbids persons to trespass on occupied lands in Middlesex County for hunting purposes, unless permission has been obtained. The section does not operate against jack rabbit hunters between December 1st and February 15th.

Section 2. Persons violating the provisions of the section enacted by section 2 of this Bill shall be liable to a penalty not exceeding \$10.



---

*1st Reading*

March 17th, 1936

*2nd Reading*

*3rd Reading*

---

MR. MACFIE

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Ditches and Watercourses Act.

---

MR. GORDON

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# BILL

## An Act to amend The Ditches and Watercourses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Ditches and Watercourses Amendment Act, 1936*.

Rev. Stat.,  
c. 316, s. 9,  
amended.

**2.** Section 9 of *The Ditches and Watercourses Act* is amended by inserting after the word "served" in the fifth line, the words "and the apportionment of the work and supply of material for construction among the several owners, and settlement of the proportions in which the ditch shall be maintained is set forth in the agreement", so that the said section shall now read as follows.

Informalities  
not to  
invalidate  
proceedings.

**9.** Want of strict compliance with the provisions of sections 7 and 8 shall not avoid any proceedings taken or agreement made and entered into thereunder, or invalidate any subsequent proceedings taken thereunder, provided such notices have been duly served, and the apportionment of the work and supply of material for construction among the several owners, and settlement of the proportions in which the ditch shall be maintained is set forth in the agreement, and any such agreement may be amended so as to conform to this Act, with the consent in writing of the parties thereto, filed in the same manner as the agreement, or by order of the judge on an appeal under this Act.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

*The Ditches and Watercourses Act* provides for a ditch being constructed when an agreement is reached among the land owners who are affected, but section 9, as at present worded, does not make it clear that the agreement should contain provision as to the apportionment of the construction work and of future maintenance among the land owners affected.

This Bill by the addition of the words mentioned therein to section 9 will overcome the defect.

---

*1st Reading*

March 18th, 1936

*2nd Reading*

*3rd Reading*

---

MR. GORDON

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

n Act to amend The Ditches and Watercourses Act.

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MR. GORDON

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# BILL

## An Act to amend The Ditches and Watercourses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Ditches and Watercourses Amendment Act, 1936*.

Rev. Stat.,  
c. 316, s. 9,  
amended.      **2.** Section 9 of *The Ditches and Watercourses Act* is amended by inserting after the word "served" in the fifth line, the words "and the apportionment of the work and supply of material for construction among the several owners, and settlement of the proportions in which the ditch shall be maintained is set forth in the agreement", so that the said section shall now read as follows.

Informalities  
not to  
invalidate  
proceedings.      **9.** Want of strict compliance with the provisions of sections 7 and 8 shall not avoid any proceedings taken or agreement made and entered into thereunder, or invalidate any subsequent proceedings taken thereunder, provided such notices have been duly served, and the apportionment of the work and supply of material for construction among the several owners, and settlement of the proportions in which the ditch shall be maintained is set forth in the agreement, and any such agreement may be amended so as to conform to this Act, with the consent in writing of the parties thereto, filed in the same manner as the agreement, or by order of the judge on an appeal under this Act.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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*1st Reading*

March 18th, 1936

*2nd Reading*

March 20th, 1936

*3rd Reading*

April 9th, 1936

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MR. GORDON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

respecting Fair Wages and Hours of Labour in Relation to Work  
to be Performed under Contracts with the Government of Ontario.

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MR. CROLL

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# BILL

An Act respecting Fair Wages and Hours of Labour  
in Relation to Work to be Performed under  
Contracts with the Government  
of Ontario.

**HIS MAJESTY**, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.

1. This Act may be cited as *The Government Contracts Hours and Wages Act, 1936*.

Interpre-  
tation.

2. In this Act,—

"Fair  
Wages."

(a) "Fair Wages" shall mean such wages as are generally accepted as current for competent workmen in the district in which the work is being performed for the character or class of work in which such workmen are respectively engaged, but shall in all cases be such wages as are fair and reasonable;

"Govern-  
ment of  
Ontario."

(b) "Government of Ontario" shall include every department thereof and every commission or board created by any Act of this Legislature;

"Minister."

(c) "Minister" shall mean Minister of Labour or such other member of the Executive Council as may be for the time being charged with the administration of this Act;

"Regula-  
tions."

(d) "Regulations" shall mean regulations made under the authority of this Act.

Government  
contracts  
for work  
subject to  
certain  
conditions.

3.—(1) Every contract entered into with the Government of Ontario for the construction, remodelling, renewal, repair or demolition of any building or work shall be subject to the following conditions respecting wages and hours:

(a) All persons in the employ of the contractor, sub-contractor or any other person doing or contracting

#### EXPLANATORY NOTES

Section 2. This section defines "Fair wages," "Government of Ontario," "Minister" and "Regulations."

Section 3. This section provides for the payment of fair wages and also prescribes the working hours to be observed in connection with certain contracts entered into with the Government.



to do the whole or any part of the work contemplated by the contract shall during the continuance of the work be paid fair wages;

- (b) The working hours of persons while so employed shall not exceed eight hours per day or forty-four hours per week except in such special cases as the Lieutenant-Governor in Council may otherwise provide, or except in cases of emergency as may be approved by the Minister.

Exception

(2) The provisions of this section shall not apply to the purchase of materials, supplies or equipment for use in the work contemplated, under any contract of sale and purchase.

Wages and  
hours where  
Government  
aid granted.

4.—(1) Whenever a grant or payment of any public moneys of Ontario is authorized or made by way of contribution, subsidy, loan, advance or guarantee for or in aid of the construction, remodelling, renewal, repair or demolition of any building or work, whether such grant or payment is to be received by any municipal or other body or person whatever, the wages and hours of all workmen employed on such work shall be those set forth in clauses *a* and *b* of subsection 1 of section 3.

Exception.

(2) The provisions of this section shall not apply to the purchase of materials, supplies or equipment for use in the work contemplated, under any contract of sale and purchase.

Penalties.

5.—(1) Every contractor, subcontractor, municipal or other body and every person who is responsible, directly or indirectly, for the payment of wages, who fails to comply with any of the provisions of this Act or the regulations shall be guilty of an offence and shall be liable to a penalty of not less than \$50 and not exceeding \$1,000.

Recovery  
of penalties.

Rev. Stat.,  
c. 121.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act* and payable to the Treasurer of Ontario.

Appoint-  
ment of  
officers,  
clerks, etc.

6. The Lieutenant-Governor in Council may appoint such officers, inspectors, clerks and servants as may be deemed necessary for the purposes of this Act, and may make regulations providing for,—

Regulations.

- (a) the method of determining what are fair wages and the preparation and use of schedules of rates relating thereto;

- (b) rates of wages for overtime.

Section 4. This section extends the provisions of section 3 of the Bill to certain undertakings financed in part by public moneys of Ontario.

Section 5. This section provides penalties for employers who fail to observe the provisions of the Act or the regulations.

Section 6. The Lieutenant-Governor in Council is given power to appoint officers and other employees and to make certain regulations.

- (c) classification of employment or work;
- (d) the persons or classes of persons who may be employed in the performance of any work mentioned in this Act;
- (e) the publication and posting of wage schedules;
- (f) the payment of wages to employees in case of default by the contractor or other party charged with such payment and recovery thereof from such contractor or other party;
- (g) the keeping of proper books and records and the examination and inspection thereof;
- (h) the furnishing of such information as may be required by the Minister to ensure compliance with the provisions of this Act;
- (i) generally for the better carrying out and enforcement of the provisions of this Act and the regulations.

Act to be  
subject to  
provisions  
of 1935,  
c. 28;  
Rev. Stat.,  
cc. 277, 175.

**7.** The provisions of this Act and the regulations shall be read and construed subject to the provisions of *The Industrial Standards Act, 1935*, *The Minimum Wage Act* and *The Public and Other Works Wages Act* and any regulations and schedules made thereunder.

Commence-  
ment of Act.

**8.** This Act shall come into force on the 1st day of January, 1937.

Section 7. The provisions of the Act shall be subject to three other Ontario Acts.

---

*1st Reading*

March 18th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

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No. 93

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

respecting Fair Wages and Hours of Labour in Relation to Work  
Performed under Contracts with the Government of Ontario.

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MR. CROLL

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# BILL

## An Act respecting Fair Wages and Hours of Labour in Relation to Work to be Performed under Contracts with the Government of Ontario.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Government Contracts Hours and Wages Act, 1936.*

Interpre-      **2.** In this Act,—  
tation.

"Fair      (a) "Fair Wages" shall mean such wages as are generally  
Wages."      accepted as current for competent workmen in the  
district in which the work is being performed for  
the character or class of work in which such workmen  
are respectively engaged, but shall in all cases be  
such wages as are fair and reasonable;

"Govern-      (b) "Government of Ontario" shall include every depart-  
ment of      ment thereof and every commission or board created  
Ontario."      by any Act of this Legislature;

"Minister."      (c) "Minister" shall mean Minister of Labour or such  
other member of the Executive Council as may be  
for the time being charged with the administration  
of this Act;

"Regula-      (d) "Regulations" shall mean regulations made under  
tions."      the authority of this Act.

Government      **3.—(1)** Every contract entered into with the Government  
contracts      of Ontario for the construction, remodelling, renewal, repair  
for work      or demolition of any building or work shall be subject to the  
subject to      following conditions respecting wages and hours:  
certain  
conditions.

(a) All persons in the employ of the contractor, sub-  
contractor or any other person doing or contracting

to do the whole or any part of the work contemplated by the contract shall during the continuance of the work be paid fair wages;

- (b) The working hours of persons while so employed shall not exceed eight hours per day or forty-four hours per week except in such special cases as the Lieutenant-Governor in Council may otherwise provide, or except in cases of emergency as may be approved by the Minister.

(2) The provisions of this section shall not apply to the purchase of materials, supplies or equipment for use in the work contemplated, under any contract of sale and purchase. Exception.

4.—(1) Whenever a grant or payment of any public moneys of Ontario is authorized or made by way of contribution, subsidy, loan, advance or guarantee for or in aid of the construction, remodelling, renewal, repair or demolition of any building or work, whether such grant or payment is to be received by any municipal or other body or person whatever, the wages and hours of all workmen employed on such work shall be those set forth in clauses *a* and *b* of subsection 1 of section 3. Wages and hours where Government aid granted.

(2) The provisions of this section shall not apply to the purchase of materials, supplies or equipment for use in the work contemplated, under any contract of sale and purchase. Exception.

5.—(1) Every contractor, subcontractor, municipal or other body and every person who is responsible, directly or indirectly, for the payment of wages, who fails to comply with any of the provisions of this Act or the regulations shall be guilty of an offence and shall be liable to a penalty of not less than \$50 and not exceeding \$500. Penalties.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act* and payable to the Treasurer of Ontario. Recovery of penalties. Rev. Stat., c. 121.

6. The Lieutenant-Governor in Council may appoint such officers, inspectors, clerks and servants as may be deemed necessary for the purposes of this Act, and may make regulations providing for,— Appointment of officers, clerks, etc.

- (a) the method of determining what are fair wages and the preparation and use of schedules of rates relating thereto; Regulations.

- (b) rates of wages for overtime.

- (c) classification of employment or work;
- (d) the persons or classes of persons who may be employed in the performance of any work mentioned in this Act;
- (e) the publication and posting of wage schedules;
- (f) the payment of wages to employees in case of default by the contractor or other party charged with such payment and recovery thereof from such contractor or other party;
- (g) the keeping of proper books and records and the examination and inspection thereof;
- (h) the furnishing of such information as may be required by the Minister to ensure compliance with the provisions of this Act;
- (i) generally for the better carrying out and enforcement of the provisions of this Act and the regulations.

Act to be  
subject to  
provisions  
of 1935,  
c. 28;  
Rev. Stat.,  
cc. 277, 175.

**7.** The provisions of this Act and the regulations shall be read and construed subject to the provisions of *The Industrial Standards Act, 1935*, *The Minimum Wage Act* and *The Public and Other Works Wages Act* and any regulations and schedules made thereunder.

Commence-  
ment of Act.

**8.** This Act shall come into force on the 1st day of January, 1937.









An Act respecting Fair Wages and Hours  
of Labour in Relation to Work to be Per-  
formed under Contracts with the Govern-  
ment of Ontario.

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*1st Reading*

March 18th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

---

MR. CROLL

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No. 94

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Parents Maintenance Act.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 94

1936

# BILL

An Act to amend The Parents Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Parents Maintenance Amendment Act, 1936*.

Rev. Stat.,  
c. 185, s. 1,  
subs. 2,  
amended.

**2.** Subsection 2 of section 1 of *The Parents Maintenance Act* is amended by inserting after the word "where" in the first line the words "he is destitute or where," so that the said subsection shall now read as follows:

When  
parent to be  
deemed  
dependent.

(2) A parent shall be deemed to be dependent, where he is destitute or where by reason of age, disease, or infirmity he is unable to maintain himself.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The section now provides that a parent shall be deemed to be dependent where by reason of age, disease or infirmity he is unable to maintain himself. The amendment provides that a parent shall also be deemed to be dependent where he is destitute.

An Act to amend The Parents  
Maintenance Act.

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*1st Reading*

March 18th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

No. 94

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Parents Maintenance Act.

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MR. CROLL

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No. 94

1936

# BILL

An Act to amend The Parents Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Parents Maintenance Amendment Act, 1936*.

Rev. Stat.,  
c. 185, s. 1,  
subs. 2,  
amended.      **2.** Subsection 2 of section 1 of *The Parents Maintenance Act* is amended by inserting after the word "where" in the first line the words "he is destitute or where," so that the said subsection shall now read as follows:

When  
parent to be  
deemed  
dependent.      (2) A parent shall be deemed to be dependent, where he is destitute or where by reason of age, disease, or infirmity he is unable to maintain himself.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Parents  
Maintenance Act.

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*1st Reading*

March 18th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1935

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MR. CROLL

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No. 95

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Election Act.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 95

1936

# BILL

An Act to amend The Election Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Election Amendment Act, 1936*.

Rev. Stat.,  
c. 8, s. 57a  
(1930,  
c. 3, s. 2),  
repealed.

**2.** Section 57a of *The Election Act* as enacted by section 2 of *The Election Act, 1930*, which section is to come into force on a day to be named by the Lieutenant-Governor by his Proclamation, is repealed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Section 57*a* is the section which provides for the payment of a deposit of \$200 by every candidate seeking election to the Legislative Assembly. The section has never been proclaimed.



BILL

An Act to amend The Election Act.

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*1st Reading*

March 18th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Election Act.

---

MR. CROLL

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No. 95

1936

# BILL

An Act to amend The Election Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Election Amendment Act, 1936*.

Rev. Stat.,  
c. 8, s. 57a  
(1930,  
c. 3, s. 2),  
repealed.

**2.** Section 57a of *The Election Act* as enacted by section 2 of *The Election Act, 1930*, which section is to come into force on a day to be named by the Lieutenant-Governor by his proclamation, is repealed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Election Act.

*1st Reading*

March 18th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

MR. CROLL

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Ontario Municipal Board Act, 1932.

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MR. CROLL

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No. 96

1936

# BILL

An Act to amend The Ontario Municipal Board Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1936*.

1932,  
c. 27, s. 89  
(1935,  
c. 51, s. 4),  
amended.      **2.** Section 89 of *The Ontario Municipal Board Act, 1932*, as enacted by section 4 of *The Ontario Municipal Board Amendment Act, 1935*, is amended by adding thereto the following subsection:

Application  
of section to  
municipal  
guarantees.

(2) This section shall apply to the guarantee by a municipality of the debentures, bonds or other securities of any other municipality or of any other person or corporation whatsoever, or of payment of the whole or any part of the sinking fund, or principal of or interest on any such debentures, bonds or other securities, and no guarantee thereof shall be made or entered into, or by-law in that behalf be passed, by any municipality under the provisions of any general or special Act, or of any agreement entered into pursuant thereto, or by-law passed thereunder, until the approval of the board has first been obtained.

Commence-  
ment of Act.      **3.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.



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BILL

An Act to amend The Ontario Municipal  
Board Act, 1932.

---

*1st Reading*

March 18th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Ontario Municipal Board Act, 1932.

---

MR. CROLL

---

No. 96

1936

# BILL

## An Act to amend The Ontario Municipal Board Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1936*.

1932,  
c. 27, s. 89  
(1935,  
c. 51, s. 4),  
amended.      **2.** Section 89 of *The Ontario Municipal Board Act, 1932*, as enacted by section 4 of *The Ontario Municipal Board Amendment Act, 1935*, is amended by adding thereto the following subsection:

Application  
of section to  
municipal  
guarantees.

(2) This section shall apply to the guarantee by a municipality of the debentures, bonds or other securities of any other municipality or of any other person or corporation whatsoever, or of payment of the whole or any part of the sinking fund, or principal of or interest on any such debentures, bonds or other securities, and no guarantee thereof shall be made or entered into, or by-law in that behalf be passed, by any municipality under the provisions of any general or special Act, or of any agreement entered into pursuant thereto, or by-law passed thereunder, until the approval of the board has first been obtained.

Commence-  
ment of Act.      **3.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.





## BILL

An Act to amend The Ontario Municipal  
Board Act, 1932.

*1st Reading*

March 18th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

Mr. CROLL

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Apprenticeship Act, 1928.

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MR. CROLL

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# BILL

## An Act to amend The Apprenticeship Act, 1928.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Apprenticeship Amendment Act, 1936*.

1928,  
c. 25, s. 2,  
cls. a and c  
(1932,  
c. 44, s. 2,  
subs. 1),  
re-enacted.

**2.**—(1) Clause a of *The Apprenticeship Act, 1928*, and clause c of *The Apprenticeship Act, 1928*, as re-enacted by subsection 1 of section 2 of *The Apprenticeship Act, 1932*, are repealed and the following substituted therefor:

"Apprentice."

(a) "Apprentice" shall mean a person at least sixteen years of age who enters into a contract of service in accordance with this Act, whereby he is to receive from or through his employer, in whole or in part, training and instruction in any designated trade;

"Director."

(c) "Director" shall mean Director of Apprenticeship;

1928, c. 25,  
amended.

"Chief  
Inspector"  
and  
"Inspector"  
to read  
"Director."

(2) *The Apprenticeship Act, 1928*, as amended by *The Apprenticeship Act, 1931*, and *The Apprenticeship Act, 1932*, is further amended by striking out the words "Chief Inspector" and the word "Inspector" wherever they occur in the said Act and inserting in lieu thereof the word "Director."

1928,  
c. 25, s. 5,  
subs. 1  
(1932,  
c. 44, s. 4),  
repealed.

**3.** Subsection 1 of section 5 of *The Apprenticeship Act, 1928*, as re-enacted by section 4 of *The Apprenticeship Act, 1932*, is repealed and the following substituted therefor:

Provincial  
Apprentice-  
ship Board.

**5.**—(1) The Lieutenant-Governor in Council may appoint a Provincial Apprenticeship Board of three members who shall hold office during pleasure and one of such members shall be designated as chairman.

Expenses  
of Board.

(1a) The members of the Board shall serve without remuneration but the Lieutenant-Governor in Council may direct the payment of all reasonable and necessary travelling and living expenses and all other

#### EXPLANATORY NOTES

Section 2—(1) "Minor" is changed to read "person" as certain trades accept for apprenticeship persons over 21 years of age.

"Director" replaces "Chief Inspector" and "Inspector" in the Act to avoid confusion.

Section 2—(2) The subsection provides for the change from "Chief Inspector" and "Inspector" to "Director" throughout the Act.

Section 3. The section provides for the appointment of a Provincial Apprenticeship Board, for the remuneration of its members, its meetings and what reports shall be made by it.

expenses incurred by the Board in carrying out the provisions of this Act, which are approved by the Minister, out of such sums as may from time to time be appropriated by the Legislature for that purpose.

Meetings  
of Board.

(1b) Meetings of the Board shall be held at the call of the Director who shall act as secretary of the Board.

Quorum.

(1c) Any two members of the Board shall constitute a quorum.

Annual  
report.

(1d) The Board shall submit an annual report to the Minister.

1928,  
c. 25, s. 6,  
amended.

4. Section 6 of *The Apprenticeship Act, 1928*, as amended by section 5 of *The Apprenticeship Act, 1932*, is further amended by striking out clause g.

1928,  
c. 25, s. 9,  
subs. 1  
(1932,  
c. 44, s. 6),  
amended.

5. Subsection 1 of section 9 of *The Apprenticeship Act, 1928*, as re-enacted by section 6 of *The Apprenticeship Act, 1932*, is amended by striking out the words "before being registered" in the third line and inserting in lieu thereof the words "and shall be registered with the Board," so that the said subsection shall now read as follows:

Form and  
registration  
of contract.

(1) Every contract of apprenticeship shall be in the form prescribed by the Board and shall be approved by the Board and shall be registered with the Board.

1928, c. 25,  
ss. 10, 11  
(1932,  
c. 44, s. 7),  
amended.

6. Sections 10 and 11 of *The Apprenticeship Act, 1928*, as re-enacted by section 7 of *The Apprenticeship Act, 1932*, are amended by striking out the word "minor" wherever it occurs in the said sections and inserting in lieu thereof the word "person."

1928,  
c. 25, s. 12,  
re-enacted.

7. Section 12 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

Signatures  
to contract  
of appren-  
ticeship.

12. Every contract of apprenticeship shall be signed,—

- (a) by the person to be apprenticed;
- (b) by the father of any such person who is a minor, and if the father be dead or legally incapable of giving consent or has abandoned his family; then
- (c) by the mother of such minor, and if both the father and mother are dead or legally incapable of giving consent or have abandoned their family; then



Section 4. The Chief Inspector is no longer required to make a report to the Minister. This is done by the Board.

Section 5. Previously contracts of apprenticeship were required to be filed by inference only. The section provides a positive enactment.

Section 6. As a person other than a minor may now be an apprentice, "minor" is changed to read "person."

Section 7. The section prescribes the signatures required on a contract of apprenticeship.



- (d) by the guardian of such minor, if any; or
- (e) if there be no parent or guardian with authority to sign then by the judge or junior or acting judge of the county or district court of the county or district in which the employer carries on business; and
- (f) by the employer.

1928, c. 25,  
ss. 17, 17a  
(1932,  
c. 44, s. 12),  
re-enacted.

8. Sections 17 and 17a of *The Apprenticeship Act, 1928*, as enacted by section 12 of *The Apprenticeship Act, 1932*, are repealed and the following substituted therefor:

Regulations.

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended and the course of training to be given;
- (b) providing for the issuance, annually or otherwise, of certificates of qualification and prescribing and requiring the payment of a fee upon the issue of such a certificate;
- (c) prescribing the hours of labour and rates of wages for apprentices;
- (d) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (e) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (f) providing for the examination of and issuance of certificates of qualification to persons engaged in a trade at the time such trade becomes a designated trade;
- (g) prescribing and requiring the payment of a fee for such examination and certificate;
- (h) providing for the registration of employers engaged in a designated trade;

Section 8. 17 (1) The Board subject to the approval of the Lieutenant-Governor in Council may make certain regulations.

- (i) prescribing and requiring the payment of a fee upon registration and the purposes for which the moneys collected in registration fees may be used;
- (j) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;
- (k) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof;
- (l) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
- (m) providing for the books, records and forms to be used and the returns to be made by such committees;
- (n) generally for the better carrying out of the provisions of this Act.

Board —  
authorized  
to hold  
conferences,  
etc.

- (2) The Board shall have authority to hold such conferences and make such inquiries as may be deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes in and amendments to the Act and regulations, which may arise from time to time.

Advisory  
committee.

- 17a.—(1) The Board shall appoint a provincial advisory committee for each designated trade, or group of trades.

Number of  
members.

- (2) Every provincial advisory committee shall consist of not less than five members who shall be appointed annually.

Personnel of  
committee.

- (3) On every provincial advisory committee there shall be an equal number of employers and employees and an official or employee of the Department of Labour.

Advisory  
committee  
may make  
regulations.

- 17b.—(1) Subject to the approval of the Board and of the Lieutenant-Governor in Council, each provincial advisory committee may make regulations in respect to the particular trade relating to all matters regard-

17 (2) The Board may hold conferences to consider proposed amendments to the Act and regulations.

17a. The appointment of provincial advisory committees for the various trades is provided for.

17b. The advisory committees may make certain regulations and may appoint local apprenticeship committees.

ing which the Board may make regulations, providing such regulations are not inconsistent with any regulations made by the Board.

- (2) Without limiting the generality of the foregoing and subject to the approval of the Lieutenant-Governor in Council, each provincial advisory committee shall have exclusive power to make regulations in respect to the particular trade relating to,—

(a) the qualifications respecting the age of apprentices;

(b) the apprenticeship period; and

(c) the number of apprentices who may be apprenticed to each employer.

Appoint-  
ment of  
local  
apprentice-  
ship commit-  
tees.

- (3) Subject to the approval of the Board, each provincial advisory committee may appoint local apprenticeship committees for defined areas of the Province, and it shall be the duty of such local apprenticeship committees to advise and assist the advisory committee on all matters relating to apprenticeship in the particular trade within the defined area.

Amendment  
of  
regulations.

- 17c.—(1) No amendment shall be made to any regulations affecting any of the matters set out in subsection 2 of section 17b unless a written notice has been given to representative organizations of employers and of employees engaged in the trade affected by such amendment, or where no organization of employers or of employees exists, to at least ten representative employers or employees, as the case may be, engaged in such trade and located in various parts of the Province, and every such notice shall state a time and place at which representatives of the employers and employees engaged in such trade may meet the provincial advisory committee for the purpose of discussing and considering such amendment.

Represent-  
ative  
organiza-  
tions to  
be notified  
of proposed  
changes  
in regula-  
tions.

- (2) Subject to the provisions of subsection 1, no amendment shall be made to any of the regulations, whether made by the Board or by a provincial advisory committee unless a written notice has been given to representative organizations of employers and of employees engaged in the trades affected by such amendment or, where no organization of employers or of employees exists, to at least ten representative



17c. The section provides the procedure to be followed where an amendment to regulations is proposed.



employers or employees, as the case may be, engaged in each of such trades and located in various parts of the Province, and every such notice shall state a time and place at which representatives of employers and employees engaged in such trades may meet the Board and the advisory committee of the trades affected, for the purpose of discussing and considering such amendment.

Conference  
between  
employees,  
employers  
and Board  
for the  
amendment  
of regu-  
lations.

- (3) Where any suggested amendment is accompanied by a written request that it be considered, signed by not less than ten employers or employees engaged in any trade affected by such suggested amendment, the Board shall provide an opportunity for the employers and employees engaged in the trades affected, or their representatives, to confer with the Board and advisory committees for such trades, providing that where the suggested amendment relates to one of the matters set out in subsection 2 of section 17*b*, the advisory committee of the trade affected shall provide an opportunity for the employers and employees in such trade, or their representatives, to confer with the advisory committee.

1928,  
c. 25, s. 20,  
(1932,  
c. 44, s. 14),  
repealed.

**9.** Section 20 of *The Apprenticeship Act, 1928*, as re-enacted by section 14 of *The Apprenticeship Act, 1932*, is repealed.

1928,  
c. 25, s. 21*a*,  
subs. 1  
(1932,  
c. 44, s. 15),  
re-enacted.

**10.** Subsection 1 of section 21*a* of *The Apprenticeship Act, 1928*, as enacted by section 15 of *The Apprenticeship Act, 1932*, is repealed and the following substituted therefor:

Cost of  
maintaining  
system of  
apprentice-  
ship.

- (1) To defray the cost of maintaining a system of apprenticeship, in any designated trade or group of trades, subject to the approval of the provincial advisory committee or committees, the Board may assess employers and employees in such designated trade or group of trades at a rate fixed by the regulations, and may require such employers and employees to pay to the Board at such times as the Board may fix, the amounts due under such assessment.

Commence-  
ment of Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. Subsection 1a of section 5 as enacted by section 3 of this Bill deals with remuneration. Section 20 of the Act becomes unnecessary.

Section 10. Employees as well as employers may be assessed where the provincial advisory committee so approves.





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BILL

An Act to amend The Apprenticeship  
Act, 1928.

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*1st Reading*

March 19th, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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No. 97

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Apprenticeship Act, 1928.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Apprenticeship Act, 1928.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Apprenticeship Amendment Act, 1936*.

1928,  
c. 25, s. 2,  
cls. *a* and *c*  
(1932,  
c. 44, s. 2,  
subs. 1),  
re-enacted.

**2.**—(1) Clause *a* of *The Apprenticeship Act, 1928*, and clause *c* of *The Apprenticeship Act, 1928*, as re-enacted by subsection 1 of section 2 of *The Apprenticeship Act, 1932*, are repealed and the following substituted therefor:

"Apprentice."

(a) "Apprentice" shall mean a person at least sixteen years of age who enters into a contract of service in accordance with this Act, whereby he is to receive from or through his employer, in whole or in part, training and instruction in any designated trade;

"Director."

(c) "Director" shall mean Director of Apprenticeship;

1928, c. 25,  
amended.

"Chief  
Inspector"  
and  
"Inspector"  
to read  
"Director."

(2) *The Apprenticeship Act, 1928*, as amended by *The Apprenticeship Act, 1931*, and *The Apprenticeship Act, 1932*, is further amended by striking out the words "Chief Inspector" and the word "Inspector" wherever they occur in the said Act and inserting in lieu thereof the word "Director."

1928,  
c. 25, s. 5,  
subs. 1  
(1932,  
c. 44, s. 4),  
re-enacted.

**3.** Subsection 1 of section 5 of *The Apprenticeship Act, 1928*, as re-enacted by section 4 of *The Apprenticeship Act, 1932*, is repealed and the following substituted therefor:

Provincial  
Apprentice-  
ship Board.

(1) The Lieutenant-Governor in Council may appoint a Provincial Apprenticeship Board of three members who shall hold office during pleasure and one of such members shall be designated as chairman.

Expenses  
of Board.

(1a) The members of the Board shall serve without remuneration but the Lieutenant-Governor in Council may direct the payment of all reasonable and necessary travelling and living expenses and all other

expenses incurred by the Board in carrying out the provisions of this Act, which are approved by the Minister, out of such sums as may from time to time be appropriated by the Legislature for that purpose.

(1b) Meetings of the Board shall be held at the call of <sup>Meetings of Board.</sup> the Director who shall act as secretary of the Board.

(1c) Any two members of the Board shall constitute a <sup>Quorum.</sup> quorum.

(1d) The Board shall submit an annual report to the <sup>Annual report.</sup> Minister.

4. Section 6 of *The Apprenticeship Act, 1928*, as amended <sup>1928, c. 25, s. 6.</sup> by section 5 of *The Apprenticeship Act, 1932*, is further <sup>cl. g repealed.</sup> amended by striking out clause g.

5. Subsection 1 of section 9 of *The Apprenticeship Act, 1928*, as re-enacted by section 6 of *The Apprenticeship Act, 1932*, is amended by striking out the words "before being registered" in the third line and inserting in lieu thereof the words "and shall be registered with the Board," so that the said subsection shall now read as follows:

(1) Every contract of apprenticeship shall be in the form <sup>Form and registration of contract.</sup> prescribed by the Board and shall be approved by the Board and shall be registered with the Board.

6. Sections 10 and 11 of *The Apprenticeship Act, 1928*, as re-enacted by section 7 of *The Apprenticeship Act, 1932*, are <sup>1928, c. 25, ss. 10, 11 (1932, c. 44, s. 7), amended.</sup> amended by striking out the word "minor" wherever it occurs in the said sections and inserting in lieu thereof the word "person."

7. Section 12 of *The Apprenticeship Act, 1928*, is repealed <sup>1928, c. 25, s. 12, re-enacted.</sup> and the following substituted therefor:

12. Every contract of apprenticeship shall be signed,— <sup>Signatures to contract of apprenticeship.</sup>

(a) by the person to be apprenticed;

(b) by the father of any such person who is a minor, and if the father be dead or legally incapable of giving consent or has abandoned his family; then

(c) by the mother of such minor, and if both the father and mother are dead or legally incapable of giving consent or have abandoned their family; then

- (d) by the guardian of such minor, if any; or
- (e) if there be no parent or guardian with authority to sign then by the judge or junior or acting judge of the county or district court of the county or district in which the employer carries on business; and
- (f) by the employer.

1928, c. 25,  
ss. 17, 17a  
(1932,  
c. 44, s. 12),  
re-enacted.      **8.** Sections 17 and 17a of *The Apprenticeship Act, 1928*,  
as enacted by section 12 of *The Apprenticeship Act, 1932*, are  
repealed and the following substituted therefor:

**Regulations.**

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended and the course of training to be given;
- (b) providing for the issuance, annually or otherwise, of certificates of qualification and prescribing and requiring the payment of a fee upon the issue of such a certificate;
- (c) prescribing the hours of labour and rates of wages for apprentices;
- (d) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (e) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (f) providing for the examination of and issuance of certificates of qualification to persons engaged in a trade at the time such trade becomes a designated trade;
- (g) prescribing and requiring the payment of a fee for such examination and certificate;
- (h) providing for the registration of employers engaged in a designated trade;



- (i) prescribing and requiring the payment of a fee upon registration and the purposes for which the moneys collected in registration fees may be used;
  - (j) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;
  - (k) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof;
  - (l) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
  - (m) providing for the books, records and forms to be used and the returns to be made by such committees;
  - (n) generally for the better carrying out of the provisions of this Act.
- (2) The Board shall have authority to hold such conferences and make such inquiries as may be deemed necessary to determine the opinions and wishes of employers and employees in the designated trades regarding suggested changes in and amendments to the Act and regulations, which may arise from time to time. Board authorized to hold conferences etc.
- 17a.—(1) The Board shall appoint a provincial advisory committee for each designated trade, or group of trades. Advisory committee.
- (2) Every provincial advisory committee shall consist of not less than five members who shall be appointed annually. Number of members.
- (3) On every provincial advisory committee there shall be an equal number of employers and employees and an official or employee of the Department of Labour. Personnel of committee.
- 17b.—(1) Subject to the approval of the Board and of the Lieutenant-Governor in Council, each provincial advisory committee may make regulations in respect to the particular trade relating to all matters regard-

ing which the Board may make regulations, providing such regulations are not inconsistent with any regulations made by the Board.

- (2) Without limiting the generality of the foregoing and subject to the approval of the Lieutenant-Governor in Council, each provincial advisory committee shall have exclusive power to make regulations in respect to the particular trade relating to,—

- (a) the qualifications respecting the age of apprentices;
- (b) the apprenticeship period; and
- (c) the number of apprentices who may be apprenticed to each employer.

Appoint-  
ment of  
local  
apprentice-  
ship commit-  
tees.

- (3) Subject to the approval of the Board, each provincial advisory committee may appoint local apprenticeship committees for defined areas of the Province, and it shall be the duty of such local apprenticeship committees to advise and assist the advisory committee on all matters relating to apprenticeship in the particular trade within the defined area.

Amendment  
of  
regulations.

- 17c.—(1) No amendment shall be made to any regulations affecting any of the matters set out in subsection 2 of section 17b unless a written notice has been given to representative organizations of employers and of employees engaged in the trade affected by such amendment, or where no organization of employers or of employees exists, to at least ten representative employers or employees, as the case may be, engaged in such trade and located in various parts of the Province, and every such notice shall state a time and place at which representatives of the employers and employees engaged in such trade may meet the provincial advisory committee for the purpose of discussing and considering such amendment.

Represent-  
ative  
organiza-  
tions to  
be notified  
of proposed  
changes  
in regu-  
lations.

- (2) Subject to the provisions of subsection 1, no amendment shall be made to any of the regulations, whether made by the Board or by a provincial advisory committee unless a written notice has been given to representative organizations of employers and of employees engaged in the trades affected by such amendment or, where no organization of employers or of employees exists, to at least ten representative

employers or employees, as the case may be, engaged in each of such trades and located in various parts of the Province, and every such notice shall state a time and place at which representatives of employers and employees engaged in such trades may meet the Board and the advisory committee of the trades affected, for the purpose of discussing and considering such amendment.

- (3) Where any suggested amendment is accompanied by a written request that it be considered, signed by not less than ten employers or employees engaged in any trade affected by such suggested amendment, the Board shall provide an opportunity for the employers and employees engaged in the trades affected, or their representatives, to confer with the Board and advisory committees for such trades, providing that where the suggested amendment relates to one of the matters set out in subsection 2 of section 17b, the advisory committee of the trade affected shall provide an opportunity for the employers and employees in such trade, or their representatives, to confer with the advisory committee.
- Conference between employees, employers and Board for the amendment of regulations.

**9.** Section 20 of *The Apprenticeship Act, 1928*, as re-enacted by section 14 of *The Apprenticeship Act, 1932*, is repealed.

1928, c. 25, s. 20, (1932, c. 44, s. 14), repealed.

**10.** Subsection 1 of section 21a of *The Apprenticeship Act, 1928*, as enacted by section 15 of *The Apprenticeship Act, 1932*, is repealed and the following substituted therefor:

1928, c. 25, s. 21a, subs. 1 (1932, c. 44, s. 15), re-enacted.

- (1) To defray the cost of maintaining a system of apprenticeship, in any designated trade or group of trades, subject to the approval of the provincial advisory committee or committees, the Board may assess employers and employees in such designated trade or group of trades at a rate fixed by the regulations, and may require such employers and employees to pay to the Board at such times as the Board may fix, the amounts due under such assessment.
- Cost of maintaining system of apprenticeship.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.



BILL

An Act to amend The Apprenticeship  
Act, 1928.

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*1st Reading*

March 19th, 1936

*2nd Reading*

March 23rd, 1936

*3rd Reading*

April 3rd, 1936

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to validate certain Contracts entered into by The Hydro-Electric  
Power Commission of Ontario and certain Companies.

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MR. McQUESTEN

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No. 98

1936

# BILL

An Act to validate certain Contracts entered into by The Hydro-Electric Power Commission of Ontario and certain Companies.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Power Contracts Validation Act, 1936*.

Contracts confirmed.

**2.** The contracts as hereinafter set forth are hereby confirmed and declared to be legal and valid, such contracts being as follows:

- (a) Between The Hydro-Electric Power Commission of Ontario, Maclaren-Quebec Power Company and The James Maclaren Company, Limited, one contract bearing date the 1st day of February, 1936, set out in Schedule "A" hereto;
- (b) Between The Hydro-Electric Power Commission of Ontario, Gatineau Power Company and Gatineau Transmission Company, two contracts bearing date the 8th day of February, 1936, set out in Schedule "B" hereto.

Commencement of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of this Bill is to validate three contracts made by The Hydro-Electric Power Commission of Ontario for the purchase of power, pursuant to section 4 of *The Power Commission Act, 1935*.

## SCHEDULE "A"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO  
 MACLAREN-QUEBEC POWER COMPANY

—AND—

THE JAMES MACLAREN COMPANY LIMITED

1. AGREEMENT, 1ST OF FEBRUARY, 1936.

## 1

This Indenture dated this First day of February, A.D. 1936,

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
 (hereinafter called the "Commission"),

MACLAREN-QUEBEC POWER COMPANY, a Quebec Cor-  
 poration, (hereinafter called the "Power Company"),

—and—

THE JAMES MACLAREN COMPANY, LIMITED, a Dominion  
 Corporation, (hereinafter called the "Transmission  
 Company").

Whereas the Commission and the Transmission Company heretofore executed an Indenture dated 20th day of December, A.D. 1930, relating to the delivery by the Transmission Company to the Commission of electrical power or energy with a periodicity of Twenty-five (25) cycles per second upon terms set forth in said Indenture;

And whereas the said three parties executed another Indenture dated 14th January, 1931, supplementary to the said power contract of 20th December 1930, by which the Transmission Company assigned the said power contract to the Power Company, and guaranteed performance thereof by the Power Company;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

1. (a) To keep available for delivery and to deliver to the Transmission Company for transmission and delivery to the Commission, when and as required by the Commission, on the conditions herein contained, so long as this agreement shall continue in force, Forty Thousand (40,000) horsepower of electrical power and energy which shall be the "Contract Demand" under this agreement:

1. (b) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement:



2. The Transmission Company covenants and agrees with the Commission:

2. (a) To provide and maintain the presently existing Two Hundred and Forty Thousand (240,000) volt single circuit transmission line from the southern boundary of the Power Company's Masson plant to a point in Ontario ten (10) feet within the Interprovincial boundary where the same connects with the transmission line of the Commission. The transmission line of the Transmission Company shall include the existing spare conductor extending from the tower on the Quebec shore over the Ottawa River to a point in Ontario ten feet within the Interprovincial boundary:

2. (b) To receive from the Power Company and to transmit over its transmission line and to deliver to the Commission at said point within the Province of Ontario, the electrical power and energy covered by this agreement:

2. (c) To maintain the aforesaid transmission line in a proper and efficient manner and at least up to the present standard of the transmission line of the Commission used to further transmit such power and energy:

2. (d) To maintain a two wire telephone line between the Power Company's plants and the aforesaid point in Ontario, and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:

3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

3. (a) To make monthly payments to the Power Company at the rate of Twelve Dollars and Fifty Cents (\$12.50) per annum per horsepower of Contract Demand determined as provided in Clause 1 (a); the said monthly payments under this paragraph being subject always to adjustment as in this agreement provided:

3. (b) To make all payments to be made by it under this agreement in lawful money of Canada at Toronto:

3. (c) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario, or any Authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the Ten feet of transmission line in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this agreement or the operation of the said part of the said transmission line, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (d) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the of Five per cent. (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment:

3. (e) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the



three phases and in no case shall the difference in current between any two phases be greater than Five per cent. (5%); if at any time the difference be greater than Five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements:

3. (f) At all times to take and use the Contract Demand so as not to exceed the weekly takings as specified in Clause 4 (a):

3. (g) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; the intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Lieve River watershed:

4. (a) The Commission shall be entitled at all times to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy per cent. (70%), that is to say, that during each week the Commission shall be entitled subject to the provisions of Clause 3 (g), to receive such electrical energy in respect of Contract Demand as it shall require but not in excess of Eighty-eight (88) kilowatt hours for each horsepower of the Contract Demand;

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt hours for each horsepower of Contract Demand:

4. (b) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovolt amperes:

4. (c) If during any twenty minute period the integrated takings of the Commission exceed the Contract Demand then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the Contract Demand, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power and energy to an amount not in excess of the Contract Demand and for such purpose may decrease either the voltage or the frequency, or both:

4. (d) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately twenty-five cycles per second at a pressure between phase wires of approximately, but not exceeding two hundred and forty thousand (240,000) volts, at the point of delivery to the Commission by the Transmission Company, subject to a reduction of not over fifteen per cent. (15%) from the said voltage from time to time as the Commission may direct; and the equipment and the apparatus installed by the Power Company in its plants shall be suitable to obtain this condition, provided however, that nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capacity at normal voltage; the Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall maintain suitable equipment for such purpose:

4. (e) Whenever the Commission shall require, from time to time, the Power Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators

in that plant and the Power Company agrees, so far as it can do so with its equipment installed, so to operate its plant as to maintain a power factor at its points of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (d):

4. (f) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (a) to take in such week, and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (a), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct:

4. (g) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency:

4. (h) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common interest including plant and equipment design, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. Neither the Power Company nor the Transmission Company shall be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a two hundred and forty thousand (240,000) volt system and in connection with standard two hundred and forty thousand (240,000) volt switching and auxiliary equipment or higher than the Commission provides for in its portion of the two hundred and forty thousand (240,000) volt system. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto:

The Power Company and the Transmission Company, or either of them, shall, if requested by the Commission, replace, rebuild or improve circuit breakers, relays and other apparatus belonging to them respectively for the purpose of enabling the Commission to transmit more power over its own line or for the purpose of improving the operation of its own system; the Commission shall reimburse the Power Company and the Transmission Company for all necessary and reasonable expenditures made by them respectively to effect such replacement, rebuilding or improvement requested by the Commission for any of the purposes aforesaid:



5. (a) The measurement of electrical power and energy under this agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times:

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3:

5. (c) The power and energy supplied under this agreement shall be measured at the two hundred and forty thousand (240,000) volt step up transformers at or near the Power Company's Masson generating station and on the generator voltage side thereof and no adjustment of such measurement shall be required, the loss in single step transformation from generator to transmission voltage (approximately two hundred and forty thousand (240,000) volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified:

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made:

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed:

5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose:

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power

Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission:

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5, and the electrical standards of the University of Toronto, or of the recognized National authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of measuring equipment:

6. Subject to the direction of the Commission, as provided in Clause 4, the maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (d) as to 2% regulation of voltage shall apply only at the points of generation:

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be:

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;

During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:



10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (a) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b) whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties and the supply of power or energy to the Transmission Company for any purpose other than the purposes of this Agreement or to any other consumer under contract with the Power Company or the Transmission Company are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to fifty per cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter to one hundred per cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the Town of Buckingham, Province of Quebec, and in the case of the Commission the City of Toronto:

13. The electrical power and energy to be kept available for delivery to the Commission and to be delivered to the Commission under this Agreement shall be electrical power and energy derived or developed from the water power at Masson and High Falls on the Lievre River which the Power Company represents that it owns in fee simple and this Agreement is made subject only to the conditions as to export of power to the United States lawfully attached by the Government of the Province of Quebec to its approval of the plans and specifications of the works at Masson and High Falls aforesaid:

14. This Agreement shall be binding on the parties hereto upon its execution and shall take effect as of February 1st, 1936, and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two (2) full years prior to the termination date therein specified, which termination date shall be January 31st of a year not earlier than 1946:

15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission line of the Transmission Company extending from the point where the Power Company's line connects therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission line of the Transmission Company connects with the transmission line of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said line of the Transmission Company and in the case of the Com-

mission all rights in the nature of an easement or license necessary to the operation, repair and maintenance of the said line and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

17. The Power Company hereby guarantees the due performance by the Transmission Company of all the obligations assumed by the latter Company hereunder:

18. In the event that any Mortgagee, Trustee, Receiver or Liquidator of either the Power Company or the Transmission Company or of any of the property of either of them shall at any time while this agreement is in force take any proceeding or do any act either in Court or out of Court to enforce any security upon any of the property, assets, rights or undertaking of either of said Companies or to disturb or interrupt the possession, use, and enjoyment by the said Companies respectively of any of the said property, assets, rights or undertaking the Commission may, unless such proceeding shall be discontinued, at its option declare this agreement to be determined, and the Commission shall not be deemed to have waived any such option by any postponement of or delay in its election nor otherwise than by an express waiver thereof in writing given by resolution of the Commission:

19. The Power Company and the Transmission Company respectively will promptly pay and discharge as and when due all taxes, license fees, rents and other sums of money in respect of the lands and properties, rights and easements used and employed by them respectively for or in connection with the generation and transmission of electrical power or energy for the purposes of this agreement, and they will respectively at all times observe keep and perform the terms and conditions of all leases, licenses, permits and agreements under which any of said properties, rights, or easements are held or enjoyed by them respectively, and in the event of default the Commission may at the expense of the Power Company make good such default and may reimburse itself for any moneys paid or cost or expense incurred by deducting the amount thereof from the monthly sums to be paid by the Commission to the Power Company in respect of the delivery of power or energy under this Agreement:

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

(Sgd.) JOHN T. BLACK

(Sgd.) J. H. COPPING

(Sgd.) JOHN T. BLACK

(Sgd.) J. H. COPPING

MACLAREN-QUEBEC POWER COMPANY,  
(Seal)

(Sgd.) ALBERT MACLAREN,  
*President.*

(Sgd.) J. A. BRYANT,  
*Secretary.*

THE JAMES MACLAREN COMPANY, LIMITED,  
(Seal)

(Sgd.) ALEXANDER MACLAREN,  
*Vice-President.*

(Sgd.) J. A. BRYANT,  
*Secretary.*

THE HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO.

(Sgd.) T. S. LYON,  
*Chairman.*

(Sgd.) A. MURRAY MCCRIMMON,  
*Secretary and Controller.*



## SCHEDULE "B"

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

GATINEAU POWER COMPANY

—AND—

GATINEAU TRANSMISSION COMPANY

1. AGREEMENT, 8TH OF FEBRUARY, 1936.

2. AGREEMENT, 8TH OF FEBRUARY, 1936.

1.

This Indenture dated this 8th day of February, A.D. 1936.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
 (hereinafter called the "Commission")  
 GATINEAU POWER COMPANY, a Quebec Corporation,  
 (hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion  
 Corporation (hereinafter called the "Transmission  
 Company")

Whereas the Commission and the Power Company heretofore executed an Indenture dated 19th day of May 1926, relating to the delivery by the Power Company to the Commission of electrical power or energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture;

And whereas the said parties executed five other Indentures supplementary to the first mentioned Indenture;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the Parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

(a) To keep available for delivery to the Transmission Company for transmission and delivery to the Commission so long as this agreement shall continue in force, two hundred and sixty thousand (260,000) horse-power of electrical power and energy on the conditions herein contained;

1. (b) To deliver to the Transmission Company for transmission and delivery to the Commission when and as ordered by the Commission, so long as this agreement shall continue in force, the Contract Demand, as hereinafter defined, of power and energy on the conditions herein contained:

1. (c) To deliver to the Transmission Company for transmission and delivery to the Commission in excess of the Contract Demand, immediately upon notice when and as ordered by the Commission for any of the purposes specified in Clause 4 (f), the Immediate Standby, as hereinafter defined, of power on the conditions herein contained:

1. (d) To deliver to the Transmission Company for transmission and delivery to the Commission, upon one week's notice when and as ordered by the Commission, as an addition to the Contract Demand all or any part of the General Reserve, as hereinafter defined, of power and energy on the conditions herein contained:

1. (e) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement:

1. (f) After the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, to deliver to the Transmission Company for transmission and delivery to the Commission whenever required by the Commission, electrical power up to the maximum available overload and spare capacity specified in Clause 4 (h):

1. (g) To use its best efforts to have maintained the existing storage capacity on the Gatineau River and to use its best efforts to have the storage on the said river administered and controlled to the best advantage with a view to the delivery of power and energy in accordance with the provisions of this agreement; and for the purposes aforesaid, duly to make all payments and do all things fully to perform and discharge the Power Company's obligations under its agreements with the Minister of Lands and Forests of the Province of Quebec, relating to the provision, maintenance and administration of the said storage; to deliver the full Contract Demand and all the energy required under this agreement at all times when the average weekly stream flow at Chelsea would be at least equal to a normal minimum of ten thousand six hundred (10,600) cubic feet per second as determined by the Quebec Streams Commission with a capacity of one hundred and forty billion (140,000,000,000) cubic feet of storage; at all times when with storage capacity provided to the amount of one hundred and forty billion (140,000,000,000) cubic feet the river would not have provided an average weekly stream flow at Chelsea of ten thousand six hundred (10,600) cubic feet per second, the amount of electrical energy to which the Commission is entitled hereunder shall, during the period of such deficiency, be reduced by the same percentage by which the average weekly stream flow available with storage capacity to the amount of one hundred and forty billion (140,000,000,000) cubic feet would have fallen below the said average weekly rate of ten thousand six hundred (10,600) cubic feet per second:

Provided that the storage mentioned in this subclause shall be the same and shall not be in addition to the storage mentioned in the contract between the Company, the Transmission Company and the Commission of even date herewith covering the delivery of sixty (60) cycle power:

1. (h) That the Transmission Company will fulfill its obligations to the Commission under this agreement:

2. The Transmission Company covenants and agrees with the Commission:

(a) To provide and maintain the two presently existing 220,000 volt single circuit lines from the Power Company's generating plant to a point in Ontario ten (10) feet within the Inter-Provincial boundary where the same connect with the transmission lines of the Commission:

2. (b) To receive from the Power Company and to transmit over its transmission lines and to deliver to the Commission at said point within the Province of Ontario the electrical power and energy covered by this agreement:

2. (c) To maintain the aforesaid transmission lines in a proper and efficient manner and at least up to the present standard of the transmission lines of the Commission used to further transmit such power and energy:

2. (d) To maintain a two wire telephone line between the Power Company's plants and the aforesaid point in Ontario and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:



3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

(a) To make monthly payments to the Power Company at the rate of twelve dollars and fifty cents (\$12.50) per annum per horsepower of Contract Demand, determined as provided in Clause 4 (a); the said monthly payments under this paragraph being subject always to adjustment as in this Agreement provided:

3. (b) To make monthly payments to the Power Company at the rate of ten dollars (\$10.00) per annum per horsepower of the Immediate Standby, determined as provided in Clause 4 (b):

3. (c) To make monthly payments to the Power Company at the rate of one dollar and seventy-five cents (\$1.75) per annum per horsepower of the General Reserve, determined as provided in Clause 4 (c);

3. (d) To make all payments to be made by it under this agreement in lawful money of Canada at Toronto;

3. (e) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any Authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the ten feet of transmission lines in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this Agreement or the operation of the said part of the said transmission lines, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (f) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of five per cent. (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment;

3. (g) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%); if at any time the difference be greater than five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements;

3. (h) At all times to take and use the Contract Demand and the Immediate Standby so as not to exceed the weekly takings as specified in Clause 4 (d);

3. (i) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; the intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Gattineau watershed;

3. (j) Until the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, to purchase from the Power

Company all power and energy generated in the Province of Quebec and used by the Commission in its Niagara System as now constituted (including frequency changers to serve other systems) except forty thousand (40,000) horsepower from the MacLaren-Quebec Power Company, or its successor, and such power as the Commission may take from the portion of the Chats Falls development located in the Province of Quebec;

4. (a) "Contract Demand" for the purposes of this agreement shall be defined as follows:

For each month up to and including April 1936, the Contract Demand shall be the greatest amount of electrical power, not less than two hundred and one thousand (201,000) horsepower nor more than two hundred and sixty thousand (260,000) horsepower, ordered in writing by the Commission as the Contract Demand for that month;

For each month after April 1936, the Contract Demand shall be the greatest amount of electrical power, not less than one hundred thousand (100,000) horsepower, nor more than two hundred and sixty thousand (260,000) horsepower, which shall then have been ordered in writing by the Commission as the Contract Demand at any time subsequent to the month of April, 1936;

The Contract Demand shall not be increased except upon an order in writing by the Commission;

All increases in the Contract Demand shall decrease the General Reserve, hereinafter defined, by a corresponding amount until such General Reserve shall have been reduced to zero, and thereafter shall decrease the Immediate Standby, as hereinafter defined, by a corresponding amount until such Immediate Standby shall also have been reduced to zero. Thereafter the Contract Demand shall be two hundred and sixty thousand (260,000) horsepower:

4. (b) "Immediate Standby" for the purpose of this agreement shall be thirty-three thousand (33,000) horsepower of electrical power until the Contract Demand shall have reached two hundred and twenty-seven thousand (227,000) horsepower, and thereafter shall be the excess, if any, of two hundred and sixty thousand (260,000) horsepower over the Contract Demand:

4. (c) "General Reserve" for the purposes of this agreement shall be the balance, if any, of the two hundred and sixty thousand (260,000) horsepower of electrical power remaining after deducting the sum of the Contract Demand and the Immediate Standby:

4. (d) The Commission shall be entitled at all times, whether or not it is availing itself of its rights to draw upon the Immediate Standby, to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy (70) per cent., that is to say, that during each week the Commission shall be entitled, subject to the provisions of Clause 3 (i), to receive such electrical energy in respect of Contract Demand and Immediate Standby combined as it shall require but not in excess of eighty-eight (88) kilowatt-hours for each horsepower of the then Contract Demand:

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt-hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt-hours for each horsepower of Contract Demand:

4. (e) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt-amperes is less than eighty-five per cent (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovolt amperes;

4. (f) In order to avoid or reduce the necessity of the Commission cutting off its load in the event of temporary accidental interruptions of



its supply of such short duration as not to justify an increase of its generating capacity or of the Contract Demand hereunder, the Commission may draw upon the Immediate Standby as herein provided;

The Commission shall be entitled, under the provisions of this Clause 4 (f), without increasing thereby the Contract Demand, to delivery of such Immediate Standby power as may be necessary, after use of its own available spare capacity, to replace any contracted supply unavailable for the time being due to any one or more of the causes below mentioned or any part of the product of its own plant, apparatus or equipment temporarily out of service due to accident to equipment or apparatus or to wear and tear or the need for repair or to abnormal ice conditions, or operating at reduced capacity due to one or more of these causes, but not so as to increase thereby, by the addition of Immediate Standby power, the power and energy available from the Commission's plant and equipment and contracted supply as it would have been but for such causes; The Commission shall take all reasonable steps to remove or correct such causes as soon as possible; No such delivery of Immediate Standby power will be used to provide for increased load in the Commission's system by reason of bona fide increase in demand by the Commission's customers; No plant, apparatus or equipment shall be voluntarily taken out of service for purposes of repair in the months of November, December and January unless in case of absolute emergency;

The order of the Commission, provided for in Clause 1 (c) shall state the amount of the Immediate Standby which it requires and the purposes and estimated period for which its use is required;

4. (g) If during any twenty minute period the integrated takings of the Commission exceed the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is taking pursuant to the provisions of Clause 4 (f), then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the then Contract Demand plus such amount, if any, of the Immediate Standby as it then is so taking, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power and energy to an amount not in excess of the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is so taking, and for such purpose decreases either the voltage or the frequency, or both, or may cut off any part or all of the power and energy being supplied to the Commission hereunder; If telephone connection through the normal facilities between the Power Company's switching station at Hull and the Commission's station at Leaside can at the time be made, the Power Company shall not, however, so cut off any part or all of the power and energy being supplied to the Commission hereunder until after it has used its best efforts to give fifteen minutes' notice by such telephone connection to an employee of the Commission at said Leaside station:

4. (h) After the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, the Commission may at any time, but at all times so as not to exceed the weekly takings of energy as specified in Clause 4 (d), increase the rate of taking of power to an amount in excess of the Contract Demand, up to the limits of the overload capacity of all the equipment used from time to time by the Power Company exclusively to meet its obligations hereunder, and of all the unused and available capacity of the remaining 25 cycle equipment of the Power Company, including such spare capacity as the Power Company may install in order reasonably to provide for meeting the Power Company's obligations under this Agreement; The Commission shall make no payment to the Transmission Company or to the Power Company for overload or spare capacity so utilized.

4. (i) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately twenty-five cycles per second at a pressure between phase wires of approximately, but not exceeding, 230,000 volts, at the point of delivery to the Commission by the Transmission Company, subject to a reduction of not over fifteen per cent. from the said voltage from time to time as the Commission may direct;

and the equipment and the apparatus installed by the Power Company in its plants shall be suitable to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capacity at normal voltage; The Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall maintain suitable equipment for such purpose, provided that if the Commission at any time takes power, as provided for in Clause 4 (h), in excess of the Contract Demand, then the Power Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed;

4. (j) Whenever the Commission shall require, from time to time, the Power Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Power Company agrees, so far as it can do so with its equipment installed, to so operate its plant as to maintain a power factor at its points of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (i);

4. (k) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (d) to take in such week, and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (d), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct;

4. (l) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency;

4. (m) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common interest including plant and equipment design, hydrology and storage, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. Neither the Power Company nor



the Transmission Company shall be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a two hundred and twenty thousand (220,000) volt system and in connection with standard two hundred and twenty thousand (220,000) volt switching and auxiliary equipment or higher than the Commission provides for in its portion of the two hundred and twenty thousand (220,000) volt system. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto;

The Power Company and the Transmission Company, or either of them, shall, if requested by the Commission, replace, rebuild or improve circuit breakers, relays and other apparatus belonging to them respectively for the purpose of enabling the Commission to transmit more power over its own lines or for the purpose of improving the operation of its own system; the Commission shall reimburse the Power Company and the Transmission Company for all necessary and reasonable expenditures made by them respectively to effect such replacement, rebuilding or improvement requested by the Commission for any of the purposes aforesaid;

5. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times:

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3:

5. (c) The power and energy supplied under this Agreement shall be measured on the generator voltage side of the two hundred and thirty thousand (230,000) volt step-up transformers at Farmer's, Chelsea and/or Pagan and no adjustment of such measurement shall be required, the loss in single step transformation from generator to transmission voltage (approximately 230,000 volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified;

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made;

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such

meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed;

5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose;

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission;

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5 and University of Toronto electrical standards shall be used as the final reference as to the accuracy of measuring equipment;

6. Subject to the direction of the Commission, as provided in Clause 4, the maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (i) as to 2% regulation of voltage shall apply only at the points of generation:

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be;

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;



During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:

10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (d) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b) whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to Fifty Per Cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter, to One Hundred Per Cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The Parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the City of Ottawa and in the case of the Commission the City of Toronto:

13. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied under this Agreement:

14. This Agreement shall be binding on the Parties hereto upon its execution and shall take effect as of November 1st, 1935 and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two full years prior to the termination date therein specified, which date shall be September 30th of a year not earlier than 1945:

15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission lines of the Transmission Company extending from the point where the Power Company's lines connect therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission lines of the Transmission Company connect with the transmission lines of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said lines of the Transmission Company and in the case of the Commission all rights in the nature of an easement or license necessary to the operation, repair and maintenance of the said lines and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED {	THE HYDRO-ELECTRIC POWER COM- MISSION OF ONTARIO.
In the presence of	(Seal)
	(Sgd.) T. S. LYON, <i>Chairman.</i>
	(Sgd.) A. MURRAY MCCRIMMON, <i>Secretary.</i>
	GATINEAU POWER COMPANY. <span style="float: right;">(Seal)</span>
	(Sgd.) G. GORDON GALE, <i>President.</i>
	(Sgd.) J. R. BINKS, <i>Secretary.</i>
	GATINEAU TRANSMISSION COMPANY. <span style="float: right;">(Seal)</span>
	(Sgd.) J. B. WHITE, <i>Vice-President.</i>
	(Sgd.) J. R. BINKS, <i>Secretary.</i>

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This Indenture dated the Eighth day of February, A.D. 1936.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
(hereinafter called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation,  
(hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Corporation (hereinafter called the "Transmission Company")

Whereas the Commission and the Power Company heretofore executed an Indenture dated 28th day of December, 1927, relating to the delivery by the Power Company to the Commission of electrical power or energy

with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture;

And whereas the said parties executed another Indenture supplementary to the first mentioned Indenture;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

(a) To keep available for delivery to the Transmission Company for transmission and delivery to the Commission, so long as this agreement shall continue in force, sixty thousand (60,000) horsepower of electrical power and energy on the conditions herein contained;

1. (b) To deliver to the Transmission Company for transmission and delivery to the Commission when and as ordered by the Commission, so long as this agreement shall continue in force, the Contract Demand, as hereinafter defined, of power and energy on the conditions herein contained;

1. (c) To deliver to the Transmission Company for transmission and delivery to the Commission in excess of the Contract Demand, immediately upon notice when and as ordered by the Commission for any of the purposes specified in Clause 4 (f), the Immediate Standby, as hereinafter defined, of power on the conditions herein contained;

1. (d) To deliver to the Transmission Company for transmission and delivery to the Commission, upon one week's notice when and as ordered by the Commission, as an addition to the Contract Demand and/or any part of the General Reserve, as hereinafter defined, of power and energy on the conditions herein contained;

1. (e) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement;

1. (f) To use its best efforts to have maintained the existing storage capacity on the Gatineau River and to use its best efforts to have the storage on the said river administered and controlled to the best advantage with a view to the delivery of power and energy in accordance with the provisions of this agreement; and for the purposes aforesaid, duly to make all payments and do all things fully to perform and discharge the Power Company's obligations under its agreements with the Minister of Lands and Forests of the Province of Quebec, relating to the provision, maintenance and administration of the said storage; to deliver the full Contract Demand and all the energy required under this agreement at all times when the average weekly stream flow at Chelsea would be at least equal to a normal minimum of ten thousand six hundred (10,600) cubic feet per second as determined by the Quebec Streams Commission with a capacity of one hundred and forty billion (140,000,000,000) cubic feet of storage; at all times when with storage capacity provided to the amount of one hundred and forty billion (140,000,000,000) cubic feet the river would not have provided an average weekly stream flow at Chelsea of ten thousand six hundred (10,600) cubic feet per second, the amount of electrical energy to which the Commission is entitled hereunder shall, during the period of such deficiency, be reduced by the same percentage by which the average weekly stream flow available with storage capacity to the amount of one hundred and forty billion (140,000,000,000) cubic feet would have fallen below the said average weekly rate of ten thousand six hundred (10,600) cubic feet per second:

Provided that the storage mentioned in this clause shall be the same and shall not be in addition to the storage mentioned in the contract



between the Company, the Transmission Company and the Commission of even date herewith covering the delivery of twenty-five (25) cycle power:

1. (g) That the Transmission Company will fulfill its obligations to the Commission under this agreement:

2. The Transmission Company covenants and agrees with the Commission:

(a) To provide and maintain the presently existing 110,000 volt double circuit line from the Power Company's switching station at Hull to a point in Ontario ten (10) feet within the Interprovincial boundary where the same connects with the transmission line of the Commission:

2. (b) To receive from the Power Company and to transmit over its transmission line and to deliver to the Commission at said point within the Province of Ontario the electrical power and energy covered by this agreement;

2. (c) To maintain the aforesaid transmission line in a proper and efficient manner and at least up to the present standard of the transmission line of the Commission used to further transmit such power and energy;

2. (d) To maintain a two wire telephone line between the Power Company's switching station at Hull and the point of connection with the telephone lines of the Commission and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:

3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

(a) To make monthly payments to the Power Company at the rate of twelve dollars and fifty cents (\$12.50) per annum per horsepower of Contract Demand, determined as provided in Clause 4 (a); the said monthly payments under this paragraph being subject always to adjustments as in this Agreement provided;

3. (b) To make monthly payments to the Power Company at the rate of ten dollars (\$10.00) per annum per horsepower of the Immediate Standby, determined as provided in Clause 4 (b);

3. (c) To make monthly payments to the Power Company at the rate of one dollar and seventy-five cents (\$1.75) per annum per horsepower of the General Reserve, determined as provided in Clause 4 (c);

3. (d) To make all payments to be made by it under this Agreement in lawful money of Canada at Toronto;

3. (e) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the ten feet of transmission line in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this Agreement or the operation of the said part of the said transmission line, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (f) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of five per cent (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly



payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment;

3. (g) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%); If at any time the difference be greater than five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements;

3. (h) At all times to take and use the Contract Demand and the Immediate Standby so as not to exceed the weekly takings as specified in Clause 4 (d);

3. (i) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; The intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Gatineau watershed;

3. (j) Until the Contract Demand shall have reached sixty thousand (60,000) horsepower, to purchase from the Power Company all power and energy generated in the Province of Quebec and used by the Commission in its Eastern Ontario System as now constituted or hereafter enlarged (including frequency changers to serve other systems) except such power as the Commission may take from the portion of the Chats Falls development located in the Province of Quebec, and except that in the event of an enlargement of the Eastern Ontario System, the Commission shall be entitled to use in such enlargement any power and energy under contract of purchase by its predecessor in the operation of such enlargement and to continue such use during the period and to the extent for which the Commission is bound to carry out the terms of such contract at the time of the enlargement.

4. (a) "Contract Demand" for the purposes of this Agreement shall be defined as follows:

For each month after October 1935, the Contract Demand shall be the greatest amount of electrical power, not less than forty-two thousand (42,000) horsepower nor more than sixty thousand (60,000) horsepower, which shall then have been ordered in writing by the Commission as the Contract Demand at any time subsequent to the month of October 1935;

The Contract Demand shall not be increased except upon an order in writing by the Commission;

All increases in the Contract Demand shall decrease the General Reserve, hereinafter defined, by a corresponding amount until such General Reserve shall have been reduced to zero, and thereafter shall decrease the Immediate Standby, as hereinafter defined, by a corresponding amount until such Immediate Standby shall also have been reduced to zero. Thereafter the Contract Demand shall be sixty thousand (60,000) horsepower:

Notwithstanding the provisions of Clause 1 (d), the Power Company may in the month of December of any year notify the Commission that it will shortly be necessary for the Power Company to add to its plant or equipment and the Power Company shall be under no obligation to deliver any increase in Contract Demand ordered after such notice for delivery in the year beginning with the succeeding April 1st, until eleven months after the receipt by the Power Company of such order:

4. (b) "Immediate Standby" for the purposes of this agreement shall be nine thousand (9,000) horsepower of electrical power until the

Contract Demand shall have reached fifty-one thousand (51,000) horsepower, and thereafter shall be the excess, if any, of sixty thousand (60,000) horsepower over the Contract Demand:

4. (c) "General Reserve" for the purposes of this agreement shall be the balance, if any, of the sixty thousand (60,000) horsepower of electrical power remaining after deducting the sum of the Contract Demand and the Immediate Standby:

4. (d) The Commission shall be entitled at all times, whether or not it is availing itself of its rights to draw upon the Immediate Standby, to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy (70) per cent., that is to say, that during each week the Commission shall be entitled, subject to the provisions of Clause 3 (i), to receive such electrical energy in respect of Contract Demand and Immediate Standby combined as it shall require but not in excess of eighty-eight (88) kilowatt-hours for each horsepower of the then Contract Demand:

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt-hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt-hours for each horsepower of Contract Demand;

4. (e) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt-amperes is less than eighty-five per cent. (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovolt-amperes;

4. (f) In order to avoid or reduce the necessity of the commission cutting off its load in the event of temporary accidental interruptions of its supply of such short duration as not to justify an increase of its generating capacity or of the Contract Demand hereunder, the Commission may draw upon the Immediate Standby as herein provided;

The Commission shall be entitled, under the provisions of this Clause 4 (f), without increasing thereby the Contract Demand, to delivery of such Immediate Standby power as may be necessary, after use of its own available spare capacity, to replace any contracted supply unavailable for the time being due to any one or more of the causes below mentioned or any part of the product of its own plant, apparatus or equipment temporarily out of service due to accident to equipment or apparatus or to wear and tear or the need for repair or to abnormal ice conditions, or operating at reduced capacity due to one or more of these causes, but not so as to increase thereby, by the addition of Immediate Standby power, the power and energy available from the Commission's plant and equipment and contracted supply as it would have been but for such causes. The Commission shall take all reasonable steps to remove or correct such causes as soon as possible. No such delivery of Immediate Standby power will be used to provide for increased load in the Commission's system by reason of bona fide increase in demand by the Commission's customers. No plant, apparatus or equipment shall be voluntarily taken out of service for purposes of repair in the months of November, December and January unless in case of absolute emergency;

The order of the Commission, provided for in Clause 1 (c) shall state the amount of the Immediate Standby which it requires and the purpose and estimated period for which its use is required;

4. (g) If during any twenty minute period the integrated takings of the Commission exceed the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is taking pursuant to the provisions of Clause 4 (f), then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the then Contract Demand plus such amount, if any, of the Immediate Standby as it then is so taking, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power



and energy to an amount not in excess of the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is so taking, and for such purpose decrease either the voltage or the frequency, or both, or may cut off any part or all of the power and energy being supplied to the Commission hereunder. If telephone connection through the normal facilities between the Power Company's switching station at Hull and the Commission's station at Belleville can at the time be made, the Power Company shall not, however so cut off any part or all of the power and energy being supplied to the Commission hereunder until after it has used its best efforts to give fifteen minutes' notice by such telephone connection to an employee of the Commission at said Belleville station;

4. (h) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately sixty (60) cycles per second at a pressure between phase wires of approximately, but not exceeding, one hundred and fourteen thousand (114,000) volts, at the point of delivery to the Commission by the Transmission Company; The Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the said one hundred and fourteen thousand (114,000) volts at the said point of delivery and shall maintain suitable equipment for such purpose;

4. (i) The Company at all times shall use its best endeavours to co-operate with the Commission by such means and to the extent it may consider proper to meet the requirements of the Commission in variation of the aforesaid voltage so as to furnish a voltage satisfactory to the Commission; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Power Company agrees, so far as it can do so with its equipment installed and its other load, to so operate its plant as to maintain a power factor at its point of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (h);

4. (j) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (d) to take in such week and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same; A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking; After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (d), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct;

4. (k) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency;

4. (l) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common

interest including plant and equipment design, hydrology and storage, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto;

5. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times;

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3;

5. (c) The power and energy supplied under this Agreement shall be measured at the Power Company's switching station at Hull at the transmission voltage of one hundred and fourteen thousand (114,000) volts and no adjustment of such measurement shall be required, the loss in transmission at this voltage from the said switching station to the point of delivery having already been considered in the price herein specified;

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made;

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed;



5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the point of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose;

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission;

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5 and University of Toronto electrical standards shall be used as the final reference as to the accuracy of measuring equipment;

6. The maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (h) as to 2% regulation of voltage shall apply only at the points of generation;

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be;

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;

During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar

rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:

10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (d) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b), whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to Fifty Per Cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter, to One Hundred Per Cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The Parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the City of Ottawa and in the case of the Commission the City of Toronto:

13. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied under this Agreement:

14. This Agreement shall be binding on the Parties hereto upon its execution and shall take effect as of November 1st, 1935 and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two full years prior to the termination date therein specified, which date shall be September 30th of a year not earlier than 1945:

15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission line of the Transmission Company extending from the point where the Power Company's lines connect therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission line of the Transmission Company connect with the transmission line of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said line of the Transmission Company and in the case of the Commission all rights in the nature of an easement or license necessary



to the operation, repair and maintenance of the said line and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers:

SIGNED, SEALED AND DELIVERED

In the presence of

THE HYDRO-ELECTRIC POWER COM-  
MISSION OF ONTARIO.

(Seal)

(Sgd.) T. S. LYON,  
*Chairman.*

(Sgd.) A. MURRAY McCRIMMON,  
*Secretary.*

GATINEAU POWER COMPANY.

(Seal)

(Sgd.) G. GORDON GALE,  
*President.*

(Sgd.) J. R. BINKS,  
*Secretary.*

GATINEAU TRANSMISSION COMPANY.  
(Seal)

(Sgd.) J. B. WHITE,  
*Vice-President.*

(Sgd.) J. R. BINKS,  
*Secretary.*



# BILL

An Act to validate certain Contracts  
entered into by The Hydro-Electric  
Power Commission of Ontario  
and certain Companies.

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*1st Reading*

March 19th, 1936

*2nd Reading*

*3rd Reading*

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MR. MCQUESTEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to validate certain Contracts entered into by The Hydro-Electric  
Power Commission of Ontario and certain Companies.

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MR. MCQUESTEN

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No. 98

1936

# BILL

An Act to validate certain Contracts entered into  
by The Hydro-Electric Power Commission of  
Ontario and certain Companies.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

Short title.

**1.** This Act may be cited as *The Power Contracts Validation Act, 1936*.

Contracts  
confirmed.

**2.** The contracts as hereinafter set forth are hereby confirmed and declared to be legal and valid, such contracts being as follows:

- (a) Between The Hydro-Electric Power Commission of Ontario, Maclaren-Quebec Power Company and The James Maclaren Company, Limited, one contract bearing date the 1st day of February, 1936, set out in Schedule "A" hereto;
- (b) Between The Hydro-Electric Power Commission of Ontario, Gatineau Power Company and Gatineau Transmission Company, two contracts bearing date the 8th day of February, 1936, set out in Schedule "B" hereto.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO  
MACLAREN-QUEBEC POWER COMPANY

—AND—

THE JAMES MACLAREN COMPANY LIMITED

1. AGREEMENT, 1ST OF FEBRUARY, 1936.

### 1

This Indenture dated this First day of February, A.D. 1936,

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
(hereinafter called the "Commission"),

MACLAREN-QUEBEC POWER COMPANY, a Quebec Corporation,  
(hereinafter called the "Power Company"),

—and—

THE JAMES MACLAREN COMPANY, LIMITED, a Dominion Corporation,  
(hereinafter called the "Transmission Company").

Whereas the Commission and the Transmission Company heretofore executed an Indenture dated 20th day of December, A.D. 1930, relating to the delivery by the Transmission Company to the Commission of electrical power or energy with a periodicity of Twenty-five (25) cycles per second upon terms set forth in said Indenture;

And whereas the said three parties executed another Indenture dated 14th January, 1931, supplementary to the said power contract of 20th December 1930, by which the Transmission Company assigned the said power contract to the Power Company, and guaranteed performance thereof by the Power Company;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

1. (a) To keep available for delivery and to deliver to the Transmission Company for transmission and delivery to the Commission, when and as required by the Commission, on the conditions herein contained, so long as this agreement shall continue in force, Forty Thousand (40,000) horsepower of electrical power and energy which shall be the "Contract Demand" under this agreement:

1. (b) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement:



2. The Transmission Company covenants and agrees with the Commission:

2. (a) To provide and maintain the presently existing Two Hundred and Forty Thousand (240,000) volt single circuit transmission line from the southern boundary of the Power Company's Masson plant to a point in Ontario ten (10) feet within the Interprovincial boundary where the same connects with the transmission line of the Commission. The transmission line of the Transmission Company shall include the existing spare conductor extending from the tower on the Quebec shore over the Ottawa River to a point in Ontario ten feet within the Interprovincial boundary:

2. (b) To receive from the Power Company and to transmit over its transmission line and to deliver to the Commission at said point within the Province of Ontario, the electrical power and energy covered by this agreement:

2. (c) To maintain the aforesaid transmission line in a proper and efficient manner and at least up to the present standard of the transmission line of the Commission used to further transmit such power and energy:

2. (d) To maintain a two wire telephone line between the Power Company's plants and the aforesaid point in Ontario, and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:

3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

3. (a) To make monthly payments to the Power Company at the rate of Twelve Dollars and Fifty Cents (\$12.50) per annum per horsepower of Contract Demand determined as provided in Clause 1 (a); the said monthly payments under this paragraph being subject always to adjustment as in this agreement provided:

3. (b) To make all payments to be made by it under this agreement in lawful money of Canada at Toronto:

3. (c) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario, or any Authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the Ten feet of transmission line in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this agreement or the operation of the said part of the said transmission line, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (d) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of Five per cent. (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment:

3. (e) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the

three phases and in no case shall the difference in current between any two phases be greater than Five per cent. (5%); if at any time the difference be greater than Five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements:

3. (f) At all times to take and use the Contract Demand so as not to exceed the weekly takings as specified in Clause 4 (a):

3. (g) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; the intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Lievre River watershed:

4. (a) The Commission shall be entitled at all times to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy per cent. (70%), that is to say, that during each week the Commission shall be entitled subject to the provisions of Clause 3 (g), to receive such electrical energy in respect of Contract Demand as it shall require but not in excess of Eighty-eight (88) kilowatt hours for each horsepower of the Contract Demand;

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt hours for each horsepower of Contract Demand:

4. (b) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovolt amperes:

4. (c) If during any twenty minute period the integrated takings of the Commission exceed the Contract Demand then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the Contract Demand, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power and energy to an amount not in excess of the Contract Demand and for such purpose may decrease either the voltage or the frequency, or both:

4. (d) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately twenty-five cycles per second at a pressure between phase wires of approximately, but not exceeding two hundred and forty thousand (240,000) volts, at the point of delivery to the Commission by the Transmission Company, subject to a reduction of not over fifteen per cent. (15%) from the said voltage from time to time as the Commission may direct; and the equipment and the apparatus installed by the Power Company in its plants shall be suitable to obtain this condition, provided however, that nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capacity at normal voltage; the Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall maintain suitable equipment for such purpose:

4. (e) Whenever the Commission shall require, from time to time, the Power Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators



in that plant and the Power Company agrees, so far as it can do so with its equipment installed, so to operate its plant as to maintain a power factor at its points of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (d):

4. (f) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (a) to take in such week, and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (a), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct:

4. (g) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency:

4. (h) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common interest including plant and equipment design, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. Neither the Power Company nor the Transmission Company shall be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a two hundred and forty thousand (240,000) volt system and in connection with standard two hundred and forty thousand (240,000) volt switching and auxiliary equipment or higher than the Commission provides for in its portion of the two hundred and forty thousand (240,000) volt system. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto:

The Power Company and the Transmission Company, or either of them, shall, if requested by the Commission, replace, rebuild or improve circuit breakers, relays and other apparatus belonging to them respectively for the purpose of enabling the Commission to transmit more power over its own line or for the purpose of improving the operation of its own system; the Commission shall reimburse the Power Company and the Transmission Company for all necessary and reasonable expenditures made by them respectively to effect such replacement, rebuilding or improvement requested by the Commission for any of the purposes aforesaid:

5. (a) The measurement of electrical power and energy under this agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times:

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3:

5. (c) The power and energy supplied under this agreement shall be measured at the two hundred and forty thousand (240,000) volt step up transformers at or near the Power Company's Masson generating station and on the generator voltage side thereof and no adjustment of such measurement shall be required, the loss in single step transformation from generator to transmission voltage (approximately two hundred and forty thousand (240,000) volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified:

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made:

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed:

5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose:

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power



Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission:

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5, and the electrical standards of the University of Toronto, or of the recognized National authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of measuring equipment:

6. Subject to the direction of the Commission, as provided in Clause 4, the maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (d) as to 2% regulation of voltage shall apply only at the points of generation:

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be:

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;

During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:

10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (a) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b) whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties and the supply of power or energy to the Transmission Company for any purpose other than the purposes of this Agreement or to any other consumer under contract with the Power Company or the Transmission Company are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to fifty per cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter to one hundred per cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the Town of Buckingham, Province of Quebec, and in the case of the Commission the City of Toronto:

13. The electrical power and energy to be kept available for delivery to the Commission and to be delivered to the Commission under this Agreement shall be electrical power and energy derived or developed from the water power at Masson and High Falls on the Lievre River which the Power Company represents that it owns in fee simple and this Agreement is made subject only to the conditions as to export of power to the United States lawfully attached by the Government of the Province of Quebec to its approval of the plans and specifications of the works at Masson and High Falls aforesaid:

14. This Agreement shall be binding on the parties hereto upon its execution and shall take effect as of February 1st, 1936, and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two (2) full years prior to the termination date therein specified, which termination date shall be January 31st of a year not earlier than 1946:

15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission line of the Transmission Company extending from the point where the Power Company's line connects therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission line of the Transmission Company connects with the transmission line of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said line of the Transmission Company and in the case of the Com-



mission all rights in the nature of an easement or license necessary to the operation, repair and maintenance of the said line and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

17. The Power Company hereby guarantees the due performance by the Transmission Company of all the obligations assumed by the latter Company hereunder:

18. In the event that any Mortgagee, Trustee, Receiver or Liquidator of either the Power Company or the Transmission Company or of any of the property of either of them shall at any time while this agreement is in force take any proceeding or do any act either in Court or out of Court to enforce any security upon any of the property, assets, rights or undertaking of either of said Companies or to disturb or interrupt the possession, use, and enjoyment by the said Companies respectively of any of the said property, assets, rights or undertaking the Commission may, unless such proceeding shall be discontinued, at its option declare this agreement to be determined, and the Commission shall not be deemed to have waived any such option by any postponement of or delay in its election nor otherwise than by an express waiver thereof in writing given by resolution of the Commission:

19. The Power Company and the Transmission Company respectively will promptly pay and discharge as and when due all taxes, license fees, rents and other sums of money in respect of the lands and properties, rights and easements used and employed by them respectively for or in connection with the generation and transmission of electrical power or energy for the purposes of this agreement, and they will respectively at all times observe keep and perform the terms and conditions of all leases, licenses, permits and agreements under which any of said properties, rights, or easements are held or enjoyed by them respectively, and in the event of default the Commission may at the expense of the Power Company make good such default and may reimburse itself for any moneys paid or cost or expense incurred by deducting the amount thereof from the monthly sums to be paid by the Commission to the Power Company in respect of the delivery of power or energy under this Agreement:

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

(Sgd.) JOHN T. BLACK

(Sgd.) J. H. COPPING

(Sgd.) JOHN T. BLACK

(Sgd.) J. H. COPPING

MACLAREN-QUEBEC POWER COMPANY,  
(Seal)

(Sgd.) ALBERT MACLAREN,  
*President.*

(Sgd.) J. A. BRYANT,  
*Secretary.*

THE JAMES MACLAREN COMPANY, LIMITED,  
(Seal)

(Sgd.) ALEXANDER MACLAREN,  
*Vice-President.*

(Sgd.) J. A. BRYANT,  
*Secretary.*

THE HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO.

(Sgd.) T. S. LYON,  
*Chairman.*

(Sgd.) A. MURRAY MCCRIMMON,  
*Secretary and Controller.*

## SCHEDULE "B"

BETWEEN

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
GATINEAU POWER COMPANY

—AND—

GATINEAU TRANSMISSION COMPANY

1. AGREEMENT, 8TH OF FEBRUARY, 1936.
2. AGREEMENT, 8TH OF FEBRUARY, 1936.

## 1.

This Indenture dated this 8th day of February, A.D. 1936.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
(hereinafter called the "Commission")  
GATINEAU POWER COMPANY, a Quebec Corporation,  
(hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion  
Corporation (hereinafter called the "Transmission  
Company")

Whereas the Commission and the Power Company heretofore executed an Indenture dated 19th day of May 1926, relating to the delivery by the Power Company to the Commission of electrical power or energy with a periodicity of twenty-five (25) cycles per second upon terms set forth in said Indenture;

And whereas the said parties executed five other Indentures supplementary to the first mentioned Indenture;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the Parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

(a) To keep available for delivery to the Transmission Company for transmission and delivery to the Commission so long as this agreement shall continue in force, two hundred and sixty thousand (260,000) horsepower of electrical power and energy on the conditions herein contained;

1. (b) To deliver to the Transmission Company for transmission and delivery to the Commission when and as ordered by the Commission, so long as this agreement shall continue in force, the Contract Demand, as hereinafter defined, of power and energy on the conditions herein contained:

1. (c) To deliver to the Transmission Company for transmission and delivery to the Commission in excess of the Contract Demand, immediately upon notice when and as ordered by the Commission for any of the purposes specified in Clause 4 (f), the Immediate Standby, as hereinafter defined, of power on the conditions herein contained:

1. (d) To deliver to the Transmission Company for transmission and delivery to the Commission, upon one week's notice when and as ordered by the Commission, as an addition to the Contract Demand all or any part of the General Reserve, as hereinafter defined, of power and energy on the conditions herein contained:

1. (e) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement:

1. (f) After the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, to deliver to the Transmission Company for transmission and delivery to the Commission whenever required by the Commission, electrical power up to the maximum available overload and spare capacity specified in Clause 4 (h):

1. (g) To use its best efforts to have maintained the existing storage capacity on the Gatineau River and to use its best efforts to have the storage on the said river administered and controlled to the best advantage with a view to the delivery of power and energy in accordance with the provisions of this agreement; and for the purposes aforesaid, duly to make all payments and do all things fully to perform and discharge the Power Company's obligations under its agreements with the Minister of Lands and Forests of the Province of Quebec, relating to the provision, maintenance and administration of the said storage; to deliver the full Contract Demand and all the energy required under this agreement at all times when the average weekly stream flow at Chelsea would be at least equal to a normal minimum of ten thousand six hundred (10,600) cubic feet per second as determined by the Quebec Streams Commission with a capacity of one hundred and forty billion (140,000,000,000) cubic feet of storage; at all times when with storage capacity provided to the amount of one hundred and forty billion (140,000,000,000) cubic feet the river would not have provided an average weekly stream flow at Chelsea of ten thousand six hundred (10,600) cubic feet per second, the amount of electrical energy to which the Commission is entitled hereunder shall, during the period of such deficiency, be reduced by the same percentage by which the average weekly stream flow available with storage capacity to the amount of one hundred and forty billion (140,000,000,000) cubic feet would have fallen below the said average weekly rate of ten thousand six hundred (10,600) cubic feet per second:

Provided that the storage mentioned in this subclause shall be the same and shall not be in addition to the storage mentioned in the contract between the Company, the Transmission Company and the Commission of even date herewith covering the delivery of sixty (60) cycle power:

1. (h) That the Transmission Company will fulfill its obligations to the Commission under this agreement:

2. The Transmission Company covenants and agrees with the Commission:

(a) To provide and maintain the two presently existing 220,000 volt single circuit lines from the Power Company's generating plant to a point in Ontario ten (10) feet within the Inter-Provincial boundary where the same connect with the transmission lines of the Commission:

2. (b) To receive from the Power Company and to transmit over its transmission lines and to deliver to the Commission at said point within the Province of Ontario the electrical power and energy covered by this agreement:

2. (c) To maintain the aforesaid transmission lines in a proper and efficient manner and at least up to the present standard of the transmission lines of the Commission used to further transmit such power and energy:

2. (d) To maintain a two wire telephone line between the Power Company's plants and the aforesaid point in Ontario and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:



3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

(a) To make monthly payments to the Power Company at the rate of twelve dollars and fifty cents (\$12.50) per annum per horsepower of Contract Demand, determined as provided in Clause 4 (a); the said monthly payments under this paragraph being subject always to adjustment as in this Agreement provided:

3. (b) To make monthly payments to the Power Company at the rate of ten dollars (\$10.00) per annum per horsepower of the Immediate Standby, determined as provided in Clause 4 (b):

3. (c) To make monthly payments to the Power Company at the rate of one dollar and seventy-five cents (\$1.75) per annum per horsepower of the General Reserve, determined as provided in Clause 4 (c);

3. (d) To make all payments to be made by it under this agreement in lawful money of Canada at Toronto;

3. (e) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any Authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the ten feet of transmission lines in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this Agreement or the operation of the said part of the said transmission lines, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (f) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of five per cent. (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment;

3. (g) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%); if at any time the difference be greater than five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements;

3. (h) At all times to take and use the Contract Demand and the Immediate Standby so as not to exceed the weekly takings as specified in Clause 4 (d);

3. (i) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; the intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Gatineau watershed;

3. (j) Until the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, to purchase from the Power

Company all power and energy generated in the Province of Quebec and used by the Commission in its Niagara System as now constituted (including frequency changers to serve other systems) except forty thousand (40,000) horsepower from the MacLaren-Quebec Power Company, or its successor, and such power as the Commission may take from the portion of the Chats Falls development located in the Province of Quebec;

4. (a) "Contract Demand" for the purposes of this agreement shall be defined as follows:

For each month up to and including April 1936, the Contract Demand shall be the greatest amount of electrical power, not less than two hundred and one thousand (201,000) horsepower nor more than two hundred and sixty thousand (260,000) horsepower, ordered in writing by the Commission as the Contract Demand for that month;

For each month after April 1936, the Contract Demand shall be the greatest amount of electrical power, not less than one hundred thousand (100,000) horsepower, nor more than two hundred and sixty thousand (260,000) horsepower, which shall then have been ordered in writing by the Commission as the Contract Demand at any time subsequent to the month of April, 1936;

The Contract Demand shall not be increased except upon an order in writing by the Commission;

All increases in the Contract Demand shall decrease the General Reserve, hereinafter defined, by a corresponding amount until such General Reserve shall have been reduced to zero, and thereafter shall decrease the Immediate Standby, as hereinafter defined, by a corresponding amount until such Immediate Standby shall also have been reduced to zero. Thereafter the Contract Demand shall be two hundred and sixty thousand (260,000) horsepower:

4. (b) "Immediate Standby" for the purpose of this agreement shall be thirty-three thousand (33,000) horsepower of electrical power until the Contract Demand shall have reached two hundred and twenty-seven thousand (227,000) horsepower, and thereafter shall be the excess, if any, of two hundred and sixty thousand (260,000) horsepower over the Contract Demand:

4. (c) "General Reserve" for the purposes of this agreement shall be the balance, if any, of the two hundred and sixty thousand (260,000) horsepower of electrical power remaining after deducting the sum of the Contract Demand and the Immediate Standby:

4. (d) The Commission shall be entitled at all times, whether or not it is availing itself of its rights to draw upon the Immediate Standby, to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy (70) per cent., that is to say, that during each week the Commission shall be entitled, subject to the provisions of Clause 3 (i), to receive such electrical energy in respect of Contract Demand and Immediate Standby combined as it shall require but not in excess of eighty-eight (88) kilowatt-hours for each horsepower of the then Contract Demand:

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt-hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt-hours for each horsepower of Contract Demand:

4. (e) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt-amperes is less than eighty-five per cent (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovlt amperes;

4. (f) In order to avoid or reduce the necessity of the Commission cutting off its load in the event of temporary accidental interruptions of



its supply of such short duration as not to justify an increase of its generating capacity or of the Contract Demand hereunder, the Commission may draw upon the Immediate Standby as herein provided;

The Commission shall be entitled, under the provisions of this Clause 4 (f), without increasing thereby the Contract Demand, to delivery of such Immediate Standby power as may be necessary, after use of its own available spare capacity, to replace any contracted supply unavailable for the time being due to any one or more of the causes below mentioned or any part of the product of its own plant, apparatus or equipment temporarily out of service due to accident to equipment or apparatus or to wear and tear or the need for repair or to abnormal ice conditions, or operating at reduced capacity due to one or more of these causes, but not so as to increase thereby, by the addition of Immediate Standby power, the power and energy available from the Commission's plant and equipment and contracted supply as it would have been but for such causes; The Commission shall take all reasonable steps to remove or correct such causes as soon as possible; No such delivery of Immediate Standby power will be used to provide for increased load in the Commission's system by reason of bona fide increase in demand by the Commission's customers; No plant, apparatus or equipment shall be voluntarily taken out of service for purposes of repair in the months of November, December and January unless in case of absolute emergency;

The order of the Commission, provided for in Clause 1 (c) shall state the amount of the Immediate Standby which it requires and the purposes and estimated period for which its use is required;

4. (g) If during any twenty minute period the integrated takings of the Commission exceed the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is taking pursuant to the provisions of Clause 4 (f), then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the then Contract Demand plus such amount, if any, of the Immediate Standby as it then is so taking, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power and energy to an amount not in excess of the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is so taking, and for such purpose decreases either the voltage or the frequency, or both, or may cut off any part or all of the power and energy being supplied to the Commission hereunder; If telephone connection through the normal facilities between the Power Company's switching station at Hull and the Commission's station at Leaside can at the time be made, the Power Company shall not, however, so cut off any part or all of the power and energy being supplied to the Commission hereunder until after it has used its best efforts to give fifteen minutes' notice by such telephone connection to an employee of the Commission at said Leaside station:

4. (h) After the Contract Demand shall have reached two hundred and sixty thousand (260,000) horsepower, the Commission may at any time, but at all times so as not to exceed the weekly takings of energy as specified in Clause 4 (d), increase the rate of taking of power to an amount in excess of the Contract Demand, up to the limits of the overload capacity of all the equipment used from time to time by the Power Company exclusively to meet its obligations hereunder, and of all the unused and available capacity of the remaining 25 cycle equipment of the Power Company, including such spare capacity as the Power Company may install in order reasonably to provide for meeting the Power Company's obligations under this Agreement; The Commission shall make no payment to the Transmission Company or to the Power Company for overload or spare capacity so utilized.

4. (i) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately twenty-five cycles per second at a pressure between phase wires of approximately, but not exceeding, 230,000 volts, at the point of delivery to the Commission by the Transmission Company, subject to a reduction of not over fifteen per cent. from the said voltage from time to time as the Commission may direct;



and the equipment and the apparatus installed by the Power Company in its plants shall be suitable to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Power Company to operate its apparatus in excess of its rated capacity at normal voltage; The Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall maintain suitable equipment for such purpose, provided that if the Commission at any time takes power, as provided for in Clause 4 (h), in excess of the Contract Demand, then the Power Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed;

4. (j) Whenever the Commission shall require, from time to time, the Power Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Power Company agrees, so far as it can do so with its equipment installed, to so operate its plant as to maintain a power factor at its points of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (i);

4. (k) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (d) to take in such week, and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (d), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct;

4. (l) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency;

4. (m) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common interest including plant and equipment design, hydrology and storage, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. Neither the Power Company nor

the Transmission Company shall be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a two hundred and twenty thousand (220,000) volt system and in connection with standard two hundred and twenty thousand (220,000) volt switching and auxiliary equipment or higher than the Commission provides for in its portion of the two hundred and twenty thousand (220,000) volt system. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto;

The Power Company and the Transmission Company, or either of them, shall, if requested by the Commission, replace, rebuild or improve circuit breakers, relays and other apparatus belonging to them respectively for the purpose of enabling the Commission to transmit more power over its own lines or for the purpose of improving the operation of its own system; the Commission shall reimburse the Power Company and the Transmission Company for all necessary and reasonable expenditures made by them respectively to effect such replacement, rebuilding or improvement requested by the Commission for any of the purposes aforesaid;

5. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times:

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3:

5. (c) The power and energy supplied under this Agreement shall be measured on the generator voltage side of the two hundred and thirty thousand (230,000) volt step-up transformers at Farmer's, Chelsea and/or Pagan and no adjustment of such measurement shall be required, the loss in single step transformation from generator to transmission voltage (approximately 230,000 volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified;

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made;

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such



meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed;

5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose;

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission;

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5 and University of Toronto electrical standards shall be used as the final reference as to the accuracy of measuring equipment;

6. Subject to the direction of the Commission, as provided in Clause 4, the maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (i) as to 2% regulation of voltage shall apply only at the points of generation:

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be;

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;

During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:

10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (d) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b) whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to Fifty Per Cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter, to One Hundred Per Cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The Parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the City of Ottawa and in the case of the Commission the City of Toronto:

13. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied under this Agreement:

14. This Agreement shall be binding on the Parties hereto upon its execution and shall take effect as of November 1st, 1935 and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two full years prior to the termination date therein specified, which date shall be September 30th of a year not earlier than 1945:



15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission lines of the Transmission Company extending from the point where the Power Company's lines connect therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission lines of the Transmission Company connect with the transmission lines of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said lines of the Transmission Company and in the case of the Commission all rights in the nature of an easement or license necessary to the operation, repair and maintenance of the said lines and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

SIGNED, SEALED AND DELIVERED	THE HYDRO-ELECTRIC POWER COM- MISSION OF ONTARIO.
In the presence of	(Sgd.) T. S. LYON, (Seal) <i>Chairman.</i>
	(Sgd.) A. MURRAY MCCRIMMON, <i>Secretary.</i>
	GATINEAU POWER COMPANY. (Seal)
	(Sgd.) G. GORDON GALE, <i>President.</i>
	(Sgd.) J. R. BINKS, <i>Secretary.</i>
	GATINEAU TRANSMISSION COMPANY. (Seal)
	(Sgd.) J. B. WHITE, <i>Vice-President.</i>
	(Sgd.) J. R. BINKS, <i>Secretary.</i>

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This Indenture dated the Eighth day of February, A.D. 1936.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
(hereinafter called the "Commission")

GATINEAU POWER COMPANY, a Quebec Corporation,  
(hereinafter called the "Power Company")

—and—

GATINEAU TRANSMISSION COMPANY, a Dominion Cor-  
poration (hereinafter called the "Transmission Com-  
pany")

Whereas the Commission and the Power Company heretofore executed an Indenture dated 28th day of December, 1927, relating to the delivery by the Power Company to the Commission of electrical power or energy

with a periodicity of sixty (60) cycles per second upon terms set forth in said Indenture;

And whereas the said parties executed another Indenture supplementary to the first mentioned Indenture;

And whereas the Legislature of the Province of Ontario has declared the said Indentures to be illegal, void and unenforceable as against the Commission;

Now therefore this Indenture witnesseth that for the considerations hereinafter contained the parties hereby covenant, promise and agree as follows:

1. The Power Company covenants and agrees with the Commission and with the Transmission Company:

(a) To keep available for delivery to the Transmission Company for transmission and delivery to the Commission, so long as this agreement shall continue in force, sixty thousand (60,000) horsepower of electrical power and energy on the conditions herein contained;

1. (b) To deliver to the Transmission Company for transmission and delivery to the Commission when and as ordered by the Commission, so long as this agreement shall continue in force, the Contract Demand, as hereinafter defined, of power and energy on the conditions herein contained;

1. (c) To deliver to the Transmission Company for transmission and delivery to the Commission in excess of the Contract Demand, immediately upon notice when and as ordered by the Commission for any of the purposes specified in Clause 4 (f), the Immediate Standby, as hereinafter defined, of power on the conditions herein contained;

1. (d) To deliver to the Transmission Company for transmission and delivery to the Commission, upon one week's notice when and as ordered by the Commission, as an addition to the Contract Demand all or any part of the General Reserve, as hereinafter defined, of power and energy on the conditions herein contained;

1. (e) To maintain in place sufficient equipment in proper and efficient operable condition so as to insure fulfilment at all times of the terms of this agreement;

1. (f) To use its best efforts to have maintained the existing storage capacity on the Gatineau River and to use its best efforts to have the storage on the said river administered and controlled to the best advantage with a view to the delivery of power and energy in accordance with the provisions of this agreement; and for the purposes aforesaid, duly to make all payments and do all things fully to perform and discharge the Power Company's obligations under its agreements with the Minister of Lands and Forests of the Province of Quebec, relating to the provision, maintenance and administration of the said storage; to deliver the full Contract Demand and all the energy required under this agreement at all times when the average weekly stream flow at Chelsea would be at least equal to a normal minimum of ten thousand six hundred (10,600) cubic feet per second as determined by the Quebec Streams Commission with a capacity of one hundred and forty billion (140,000,000,000) cubic feet of storage; at all times when with storage capacity provided to the amount of one hundred and forty billion (140,000,000,000) cubic feet the river would not have provided an average weekly stream flow at Chelsea of ten thousand six hundred (10,600) cubic feet per second, the amount of electrical energy to which the Commission is entitled hereunder shall, during the period of such deficiency, be reduced by the same percentage by which the average weekly stream flow available with storage capacity to the amount of one hundred and forty billion (140,000,000,000) cubic feet would have fallen below the said average weekly rate of ten thousand six hundred (10,600) cubic feet per second:

Provided that the storage mentioned in this clause shall be the same and shall not be in addition to the storage mentioned in the contract



between the Company, the Transmission Company and the Commission of even date herewith covering the delivery of twenty-five (25) cycle power:

1. (g) That the Transmission Company will fulfill its obligations to the Commission under this agreement:

2. The Transmission Company covenants and agrees with the Commission:

(a) To provide and maintain the presently existing 110,000 volt double circuit line from the Power Company's switching station at Hull to a point in Ontario ten (10) feet within the Interprovincial boundary where the same connects with the transmission line of the Commission:

2. (b) To receive from the Power Company and to transmit over its transmission line and to deliver to the Commission at said point within the Province of Ontario the electrical power and energy covered by this agreement;

2. (c) To maintain the aforesaid transmission line in a proper and efficient manner and at least up to the present standard of the transmission line of the Commission used to further transmit such power and energy;

2. (d) To maintain a two wire telephone line between the Power Company's switching station at Hull and the point of connection with the telephone lines of the Commission and to permit the free use of said communication system to the Power Company and to the Commission for the proper control and delivery of the power specified in this agreement:

3. The Commission covenants and agrees with the Power Company and with the Transmission Company:

(a) To make monthly payments to the Power Company at the rate of two dollars and fifty cents (\$2.50) per annum per horsepower of Contract Demand, determined as provided in Clause 4 (a); the said monthly payments under this paragraph being subject always to adjustments as in this Agreement provided;

3. (b) To make monthly payments to the Power Company at the rate of ten dollars (\$10.00) per annum per horsepower of the Immediate Standby, determined as provided in Clause 4 (b);

3. (c) To make monthly payments to the Power Company at the rate of one dollar and seventy-five cents (\$1.75) per annum per horsepower of the General Reserve, determined as provided in Clause 4 (c);

3. (d) To make all payments to be made by it under this Agreement in lawful money of Canada at Toronto;

3. (e) To indemnify the Power Company and the Transmission Company against and reimburse them respectively for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any authority thereof or thereunder, including any municipality and school authority therein, in respect or by reason of (a) the ownership, operation, maintenance or use of the ten feet of transmission line in Ontario contemplated by the provisions of Clause 2, or (b) the transmission, sale or delivery of power or energy under this Agreement, or (c) the gross or net income derived therefrom, or (d) the transaction of business involved in the performance of this Agreement or the operation of the said part of the said transmission line, whether any such tax, fee or other charge is levied, assessed or imposed upon either the Power Company or the Transmission Company or the property of either of them;

3. (f) To make the said monthly payments to the Power Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Power Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is so rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of five per cent (5%) per annum; provided further that if the Commission or the Power Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly

payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment;

3. (g) At all times to take and use the three-phase power in such manner that the current will be taken approximately equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%); If at any time the difference be greater than five per cent. (5%), the Commission, upon instructions from the Power Company, shall so adjust its load as to comply with these requirements;

3. (h) At all times to take and use the Contract Demand and the Immediate Standby so as not to exceed the weekly takings as specified in Clause 4 (d);

3. (i) To give to the Power Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Power Company, particularly as to any probable reduction in such requirements for any prospective period of light load; The intent of the parties in this clause is, so far as is possible by reasonable co-operation, to provide for the most economical use of the storage waters on the Gatineau watershed;

3. (j) Until the Contract Demand shall have reached sixty thousand (60,000) horsepower, to purchase from the Power Company all power and energy generated in the Province of Quebec and used by the Commission in its Eastern Ontario System as now constituted or hereafter enlarged (including frequency changers to serve other systems) except such power as the Commission may take from the portion of the Chats Falls development located in the Province of Quebec, and except that in the event of an enlargement of the Eastern Ontario System, the Commission shall be entitled to use in such enlargement any power and energy under contract of purchase by its predecessor in the operation of such enlargement and to continue such use during the period and to the extent for which the Commission is bound to carry out the terms of such contract at the time of the enlargement.

4. (a) "Contract Demand" for the purposes of this Agreement shall be defined as follows:

For each month after October 1935, the Contract Demand shall be the greatest amount of electrical power, not less than forty-two thousand (42,000) horsepower nor more than sixty thousand (60,000) horsepower, which shall then have been ordered in writing by the Commission as the Contract Demand at any time subsequent to the month of October 1935;

The Contract Demand shall not be increased except upon an order in writing by the Commission;

All increases in the Contract Demand shall decrease the General Reserve, hereinafter defined, by a corresponding amount until such General Reserve shall have been reduced to zero, and thereafter shall decrease the Immediate Standby, as hereinafter defined, by a corresponding amount until such Immediate Standby shall also have been reduced to zero. Thereafter the Contract Demand shall be sixty thousand (60,000) horsepower:

Notwithstanding the provisions of Clause 1 (d), the Power Company may in the month of December of any year notify the Commission that it will shortly be necessary for the Power Company to add to its plant or equipment and the Power Company shall be under no obligation to deliver any increase in Contract Demand ordered after such notice for delivery in the year beginning with the succeeding April 1st, until eleven months after the receipt by the Power Company of such order:

4. (b) "Immediate Standby" for the purposes of this agreement shall be nine thousand (9,000) horsepower of electrical power until the



Contract Demand shall have reached fifty-one thousand (51,000) horsepower, and thereafter shall be the excess, if any, of sixty thousand (60,000) horsepower over the Contract Demand:

4. (c) "General Reserve" for the purposes of this agreement shall be the balance, if any, of the sixty thousand (60,000) horsepower of electrical power remaining after deducting the sum of the Contract Demand and the Immediate Standby:

4. (d) The Commission shall be entitled at all times, whether or not it is availing itself of its rights to draw upon the Immediate Standby, to an amount of electrical energy which is equivalent to the delivery of the Contract Demand at a weekly load factor of Seventy (70) per cent., that is to say, that during each week the Commission shall be entitled, subject to the provisions of Clause 3 (i), to receive such electrical energy in respect of Contract Demand and Immediate Standby combined as it shall require but not in excess of eighty-eight (88) kilowatt-hours for each horsepower of the then Contract Demand:

On Sundays and holidays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than three kilowatt-hours for each horsepower of Contract Demand. On Saturdays the Commission, if so requested by the Power Company, shall take or be deemed to have taken not less than seven kilowatt-hours for each horsepower of Contract Demand;

4. (e) The amount of electrical power or energy delivered by the Power Company at any time when the ratio of the kilowatts to the kilovolt-amperes is less than eighty-five per cent. (85%) shall be deemed to be eighty-five per cent. (85%) of the kilovolt-amperes;

4. (f) In order to avoid or reduce the necessity of the commission cutting off its load in the event of temporary accidental interruptions of its supply of such short duration as not to justify an increase of its generating capacity or of the Contract Demand hereunder, the Commission may draw upon the Immediate Standby as herein provided;

The Commission shall be entitled, under the provisions of this Clause 4 (f), without increasing thereby the Contract Demand, to delivery of such Immediate Standby power as may be necessary, after use of its own available spare capacity, to replace any contracted supply unavailable for the time being due to any one or more of the causes below mentioned or any part of the product of its own plant, apparatus or equipment temporarily out of service due to accident to equipment or apparatus or to wear and tear or the need for repair or to abnormal ice conditions, or operating at reduced capacity due to one or more of these causes, but not so as to increase thereby, by the addition of Immediate Standby power, the power and energy available from the Commission's plant and equipment and contracted supply as it would have been but for such causes. The Commission shall take all reasonable steps to remove or correct such causes as soon as possible. No such delivery of Immediate Standby power will be used to provide for increased load in the Commission's system by reason of bona fide increase in demand by the Commission's customers. No plant, apparatus or equipment shall be voluntarily taken out of service for purposes of repair in the months of November, December and January unless in case of absolute emergency;

The order of the Commission, provided for in Clause 1 (c) shall state the amount of the Immediate Standby which it requires and the purpose and estimated period for which its use is required;

4. (g) If during any twenty minute period the integrated takings of the Commission exceed the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is taking pursuant to the provisions of Clause 4 (f), then until the Commission shall have adjusted its load and supply conditions so that the takings of power and energy hereunder will be limited to the then Contract Demand plus such amount, if any, of the Immediate Standby as it then is so taking, the Power Company, without liability for damages or diminution of the payments specified hereunder, may limit the deliveries of electrical power

and energy to an amount not in excess of the then Contract Demand plus such amount, if any, of the Immediate Standby as the Commission then is so taking, and for such purpose decrease either the voltage or the frequency, or both, or may cut off any part or all of the power and energy being supplied to the Commission hereunder. If telephone connection through the normal facilities between the Power Company's switching station at Hull and the Commission's station at Belleville can at the time be made, the Power Company shall not, however so cut off any part or all of the power and energy being supplied to the Commission hereunder until after it has used its best efforts to give fifteen minutes' notice by such telephone connection to an employee of the Commission at said Belleville station;

4. (h) The power and energy delivered hereunder shall be alternating three phase with a periodicity of approximately sixty (60) cycles per second at a pressure between phase wires of approximately, but not exceeding, one hundred and fourteen thousand (114,000) volts, at the point of delivery to the Commission by the Transmission Company; The Power Company shall maintain the generator voltage within two per cent. (2%) of the generator voltage corresponding to the said one hundred and fourteen thousand (114,000) volts at the said point of delivery and shall maintain suitable equipment for such purpose;

4. (i) The Company at all times shall use its best endeavours to co-operate with the Commission by such means and to the extent it may consider proper to meet the requirements of the Commission in variation of the aforesaid voltage so as to furnish a voltage satisfactory to the Commission; It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Power Company agrees, so far as it can do so with its equipment installed and its other load, to so operate its plant as to maintain a power factor at its point of measurement to the Commission, and also the delivery of power, within the limits directed by the Commission from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 4 (h):

4. (j) If the Commission shall take in any week more kilowatt hours than it is entitled under Clause 4 (d) to take in such week and the Power Company shall not in advance of such excess taking have filed with the Commission a protest as hereinafter provided, then upon notification from the Power Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same; A protest from the Power Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking; After receipt of such protest and during the period covered thereby the Commission shall use its best efforts to limit its weekly taking to the number of kilowatt hours which it is entitled to take under Clause 4 (d), always provided that the Power Company, so far as practicable, regulates the rate of delivery of power and kilowatt hours from time to time as the Commission may direct;

4. (k) For all purposes of this agreement the Power Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Power Company fails to have available the power and energy which the Commission asks for, being entitled to the same under the provisions hereof, and unless within fourteen (14) days after the end of that week the Commission shall have given to the Power Company written notice of the fact and approximate amount of the deficiency;

4. (l) Because of the fact that the high voltage circuits mentioned in this agreement are physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the parties hereto co-operate. The parties hereto shall co-operate in respect of all matters of common



interest including plant and equipment design, hydrology and storage, provided that each of the parties shall have the final decision and be responsible for its respective plant and properties. The parties hereto shall also co-operate in respect of design of control, protective, communication and other such features as necessitate a similar or co-ordinated equipment at the plants of each party. The parties hereto shall from time to time make such commercially reasonable changes in, or additions to the equipment owned by them respectively (other than major equipment) as will best serve the system as a whole. The parties hereto shall exercise all due skill and diligence so as to secure the satisfactory operation as a system of the plant, apparatus and property of the several parties hereto;

5. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters provided and installed by the Power Company and the said meters shall be arranged so as to measure and record accurately the said power and energy. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Power Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Power Company to the Commission and such records on file with the Commission shall be available to the Power Company for inspection at all reasonable times;

5. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this clause shall be construed as increasing any obligation of the Power Company under Clause 1, or increasing any obligation of the Commission under Clause 3;

5. (c) The power and energy supplied under this Agreement shall be measured at the Power Company's switching station at Hull at the transmission voltage of one hundred and fourteen thousand (114,000) volts and no adjustment of such measurement shall be required, the loss in transmission at this voltage from the said switching station to the point of delivery having already been considered in the price herein specified;

5. (d) Access to said instruments and transformers belonging to the Power Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time, by giving to the Power Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments and the Power Company shall be entitled to have a representative present while such test is being made;

5. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Power Company;

The Power Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; The Commission shall be advised at least five (5) days before the day of the test so it may if it so desires have a representative present to witness and verify such test; If at any time the Commission notifies the Power Company that it believes that such meters or any of them are not within the closest practicable approximation to perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Power Company of the said notice; If any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; The Power Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; During any time there is no meter in service it shall be assumed that the power and energy taken is the same as for other days of the same month on which a similar load existed;

5. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the point of measurement for the purpose of checking the records obtained from the Power Company's measuring equipment or for any other purpose;

5. (g) The Power Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Power Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission;

5. (h) The kilowatts, kilovolt amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 5 and University of Toronto electrical standards shall be used as the final reference as to the accuracy of measuring equipment;

6. The maintenance by the Power Company and the Transmission Company of approximately the agreed voltage, at approximately the agreed frequency at the point of delivery to the Commission, together with the ability and readiness of the said Companies to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 4 (h) as to 2% regulation of voltage shall apply only at the points of generation;

7. (a) In case the Power Company or the Transmission Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or any of them, then to the extent of such prevention, the Power Company and the Transmission Company shall not be bound to deliver such power during such time and the amount of the Contract Demand shall be deemed to be reduced for the purpose of computing the amount of power for which the Commission shall be obligated to pay during the period of such prevention by the amount of power which the Power Company or Transmission Company is prevented from delivering or the Commission is prevented from receiving as the case may be;

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Power Company and the Transmission Company shall without any delay, deliver said power as aforesaid and the Commission shall pay for the same;

7. (b) The Power Company and the Transmission Company respectively shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, or transmitting equipment, but all such interruptions, total or partial, shall be of minimum duration, and when possible arranged for at a time least objectionable to the Commission;

During such interruptions, the Commission shall be released from its obligation to pay for such power as the Commission is entitled to receive and the Power Company or the Transmission Company fails to deliver:

8. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Power Company and of the Transmission Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the said Companies and to take and obtain records therefrom as required: Representatives of the Power Company shall have similar



rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the operation of this Agreement:

9. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement:

10. In case of the failure of the Power Company or of the Transmission Company in any week to deliver the full amount of electrical energy to which the Commission is entitled under Clause 4 (d) in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Power Company in respect of the Contract Demand for such week; that is, the amount accrued due from the Commission to the Power Company in respect of the Contract Demand during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Power Company or the Transmission Company fails to deliver as aforesaid bears to eighty-eight (88) times the horsepower of the then Contract Demand; Provided that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy as provided in this Clause 10 or in respect of power as provided in Clauses 7 (a) and 7 (b), whichever reduction shall be greater; and in addition if such failure of the Power Company or Transmission Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 7 (a) shall not for the purposes of this clause be deemed to be within the control of the said Companies nor shall interruptions within Clause 7 (b), but financial difficulties are to be considered within the control of the said Companies), the Power Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to Fifty Per Cent. (50%) of the reduction so made in the sums payable by the Commission to the Power Company, thereafter, to One Hundred Per Cent. (100%):

11. The Commission shall be entitled at the termination of this Agreement, or within Thirty days thereafter, to remove from the premises of either of said Companies any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power or energy hereunder:

12. All written notices to be delivered hereunder by any party to any other may be sent by prepaid registered letter to such address or addresses as each party shall from time to time file with the others. The Parties agree each to maintain its address on file with the others and in default such address shall in the case of the Power Company and the Transmission Company be deemed to be the City of Ottawa and in the case of the Commission the City of Toronto:

13. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied under this Agreement:

14. This Agreement shall be binding on the Parties hereto upon its execution and shall take effect as of November 1st, 1935 and shall continue in effect until cancelled by written notice delivered by the Power Company to the Commission or by the Commission to the Power Company not less than two full years prior to the termination date therein specified, which date shall be September 30th of a year not earlier than 1945:

15. The Power Company and the Commission hereby respectively vest in the Transmission Company all right, title and interest of each of them respectively (if any) in the transmission line of the Transmission Company extending from the point where the Power Company's lines connect therewith to the point ten (10) feet on the Ontario side of the boundary between the Provinces of Ontario and Quebec where the said transmission line of the Transmission Company connect with the transmission line of the Commission, including in the case of the Power Company all servitudes, lands and rights and interest therein used for the purposes of the said line of the Transmission Company and in the case of the Commission all rights in the nature of an easement or license necessary

to the operation, repair and maintenance of the said line and other necessary incidental rights:

16. This contract shall be construed according to the laws of the Province of Ontario:

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers:

SIGNED, SEALED AND DELIVERED

In the presence of

THE HYDRO-ELECTRIC POWER COM-  
MISSION OF ONTARIO.

(Seal)

(Sgd.) T. S. LYON,  
*Chairman.*

(Sgd.) A. MURRAY McCRIMMON,  
*Secretary.*

GATINEAU POWER COMPANY.  
(Seal)

(Sgd.) G. GORDON GALE,  
*President.*

(Sgd.) J. R. BINKS,  
*Secretary.*

GATINEAU TRANSMISSION COMPANY.  
(Seal)

(Sgd.) J. B. WHITE,  
*Vice-President.*

(Sgd.) J. R. BINKS,  
*Secretary.*





## BILL

An Act to validate certain Contracts  
entered into by The Hydro-Electric  
Power Commission of Ontario  
and certain Companies.

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### *1st Reading*

March 19th, 1936

### *2nd Reading*

April 3rd, 1936

### *3rd Reading*

April 8th, 1936

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MR. McQUESTEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Solicitors Act.

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MR. CLARK

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# BILL

## An Act to amend The Solicitors Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Solicitors Amendment Act, 1936*.

Rev. Stat.,  
c. 194, s. 1,  
re-enacted.      **2.** Section 1 of *The Solicitors Act* is repealed and the following substituted therefor:

Interpre-  
tation.

**1.** In this Act,—

"Practise,"

"act as a  
solicitor."

(a) "Practise" or "act as a solicitor" shall include drawing or preparing any deed, mortgage, assignment or other instrument affecting real or personal property, any will or codicil except in case of emergency, and any instrument relating to the incorporation, reorganization, winding up or liquidation of a company; taking any proceeding out of court to enforce any power expressed or implied in a mortgage; advising as to the effect in law of any deed or instrument, and advising as to any legal right;

"Rules  
of the  
Society."

Rev. Stat.,  
c. 192.

"Solicitor."

(b) "Rules of the Society" shall mean rules, regulations and by-laws made by the benchers of the Society under *The Law Society Act*;

(c) "Solicitor" shall mean a person admitted and enrolled and not disqualified under this Act;

"The  
Society."

(d) "The Society" shall mean The Law Society of Upper Canada.

Rev. Stat.,  
c. 194, s. 6,  
amended.

**3.—(1)** Section 6 of *The Solicitors Act* is amended by inserting after the word "be" in the last line the words "or otherwise act as," so that subsection 1 of the said section shall now read as follows:

#### EXPLANATORY NOTES

Section 2. "Practise" and "Solicitor" are defined. The definitions of "Rules of the Society" and "The Society" remain as they are.

Section 3. (1) The provision prohibiting persons other than solicitors from acting as solicitors in court or in an action, or from holding themselves out as solicitors, is extended to prevent persons who are not solicitors from acting as such though not holding themselves out as such.

Solicitors  
must be  
admitted  
and  
enrolled.

- (1) Unless admitted and enrolled and duly qualified to act as a solicitor, no person shall act as a solicitor in any court of civil or criminal jurisdiction or before any justice of the peace, or shall as such sue out any writ or process, or commence, carry on or defend any action or proceeding in the name of any other person, or in his own name, or hold himself out as or represent himself to be or otherwise act as a solicitor.

Rev. Stat.,  
c. 194, s. 6,  
amended.

- (2) The said section 6 is further amended by adding thereto the following subsection:

Unqualified  
persons  
prohibited  
from giving  
advice  
respecting  
legal rights,  
obligations,  
etc.

- (2) No person unless admitted and enrolled and duly qualified to act as a solicitor, and no corporation shall give or offer or hold himself or itself out as being willing to give or provide or procure advice with respect to legal rights, obligations or remedies or to render or procure or provide any of the legal services mentioned in section 1 or 6 of this Act whether for a fee or otherwise, and whether or not it is intended that such advice or legal services shall be given, performed or rendered by a duly qualified solicitor.

Rev. Stat.,  
c. 194, s. 29,  
amended.

4. Section 29 of *The Solicitors Act* is amended by striking out the words "in any court" in the first line, so that the said section shall now read as follows:

Practice  
prohibited  
while  
engaged  
as a  
merchant.

29. A solicitor shall not practise in Ontario while he is engaged in the business of a merchant, or connected by partnership in purchasing or vending merchandise in the way of trade as a merchant, nor until twelve months after he has ceased to be such merchant or to be so engaged or connected.

Rev. Stat.,  
c. 194,  
amended.

5. *The Solicitors Act* is amended by adding thereto the following sections:

Penalties.

- 72.—(1) Every person who violates any of the provisions of this Act shall be guilty of an offence and for a first offence shall be liable to a penalty of not less than \$25 and not exceeding \$50, and for a second offence to a penalty of not less than \$50 and not exceeding \$100, and for a third or subsequent offence, to a penalty of not less than \$100 or to imprisonment for a period of not less than one month and not exceeding three months, or to both.

Prosecution  
to be at  
instance of  
Society.

- (2) No prosecution for the violation of any of the provisions of this Act shall be instituted except at the instance of the Society.

(2) Persons, other than solicitors, are forbidden to give, offer or hold themselves out as willing to give legal advice or perform legal services.

Section 4. Solicitors engaged as merchants are now forbidden to practise in any court. The amendment forbids such solicitors to practise in court or elsewhere.

Section 5. Penalties are provided for violations of the Act but may be recovered only with the consent of the Law Society.

Recovery of  
penalties.  
Rev. Stat.,  
c. 121.

- (3) The penalties imposed under the provisions of this section shall be recoverable under *The Summary Convictions Act*.

Exception  
as to  
application  
of Act.

73. This Act shall not be construed to prohibit any person who at the date of the coming into force of this section is carrying on a business, the major portion of which consists of the drawing of deeds, mortgages and wills and who has carried on such business in one community for a period of seven years immediately preceding the coming into force of the said section, or who is carrying on such business in any community whether organized or unorganized with a population of less than one thousand persons, from drawing deeds, mortgages or wills.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Persons, other than solicitors who have been in the business of drawing deeds, mortgages and wills in one community for seven years, or who carry on such business in communities of less than 1,000 persons are exempt from the provisions of the Act.



BILL

An Act to amend The Solicitors Act.

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*1st Reading*

March 20th, 1936

*2nd Reading*

*3rd Reading*

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MR. CLARK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Insurance Act.

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MR. STRACHAN

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# BILL

## An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 222, s. 256,  
amended.      **1.** Section 256 of *The Insurance Act* is amended by adding thereto the following subsection:

When  
barrister  
or solicitor  
not to be  
licensed as  
agent.

(3a) (i) A barrister or solicitor practising his profession in a municipality having a population of more than 5,000 shall not be licensed to act as an agent for any class of insurance except guarantee insurance.

Employee  
of barrister  
or solicitor  
not to be  
licensed.

(ii) An employee of any such solicitor, whether directly or indirectly in receipt of a salary or other remuneration, shall not be licensed to act as an agent for any class of insurance except guarantee insurance.

Commence-  
ment of Act.      **2.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the Bill is to provide that a practising solicitor or an employee of a practising solicitor shall not be licensed to sell any class of insurance except Guarantee Insurance in towns or cities of a population of 5,000 or over.

BILL

An Act to amend The Insurance Act.

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*1st Reading*

March 23rd, 1936

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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**BILL**

**An Act to amend The Temiskaming and Northern Ontario Railway Act.**

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MR. HEPBURN

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# BILL

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Temiskaming and Northern Ontario Railway Amendment Act, 1936*.

Rev. Stat.,  
c. 53, s. 6,  
subs. 2,  
amended.

**2.** Subsection 2 of section 6 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following clause:

Powers of  
Commission.  
Rev. Stat.,  
c. 251.

(d) purchase or otherwise acquire motor vehicles and trailers as defined by *The Highway Traffic Act*, aeroplanes and lines of busses, coaches, trucks and aeroplanes, and may operate, maintain, control and manage such vehicles, trailers, aeroplanes and lines for the purpose of carrying on or upon the highway and elsewhere the business of a public carrier of passengers and freight.

Rev. Stat.,  
c. 53,  
amended.

**3.** *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following sections:

Exemption  
from  
licenses.  
1934, c. 46;  
Rev. Stat.,  
cc. 252, 233.

6a. The provisions of *The Public Commercial Vehicle Act, 1934*, and sections 2 to 8, 24, 25 and 26 of *The Public Vehicle Act* and amendments thereto, and subsection 4 of section 414 of *The Municipal Act* shall not apply to or be binding upon the Commission.

Power to  
incorporate  
subsidiary  
companies.

6b. Subject to the approval of the Lieutenant-Governor in Council, the Commission may promote, cause to be incorporated and organized a company or companies under any public or private Act of any province or of the Dominion of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company shall possess and enjoy all

#### EXPLANATORY NOTES

Section 2. The purpose of this amendment is to empower the Temiskaming and Northern Ontario Railway to operate bus, coach, truck and aeroplane lines.

Section 3. The new section 6a relieves the Railway from the necessity of paying a license fee to any municipality in which its bus or truck lines operate and of obtaining a license, either under *The Public Commercial Vehicle Act, 1934*, or *The Public Vehicle Act*, but the regulations as to loads, number of passengers carried, weight and safety devices under *The Public Vehicle Act* apply to all busses which may be operated.

The new section 6b empowers the Railway to operate the bus, coach, truck or aeroplane lines, or any other part of its undertaking, by a separate company, and empowers the Railway to cause the company to be incorporated under any public or private Act of the Dominion or Province. All rights and immunities which are by law vested in the Railway by reason of it being a Government Department and all the rights and immunities which are conferred on the Railway by the Statute are conferred on the subsidiary company.

the rights, remedies and immunities conferred by law or by this Act upon the Commission.

Rev. Stat.,  
c. 53, s. 8,  
subs. 1,  
amended.

4. Subsection 1 of section 8 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "upon the railway" in the second and third lines, so that the said subsection shall now read as follows:

Tolls and  
fares.

- (1) The Commission may make regulations fixing the fares and tolls to be charged for all traffic carried and with respect to any telephone or telegraph lines operated by the Commission as herein authorized.

Rev. Stat.,  
c. 53, s. 11,  
subs. 1,  
amended.

5. Subsection 1 of section 11 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "workshops" in the third line the words "garages, hangars, aerodromes," so that the said subsection shall now read as follows:

Power  
houses,  
elevators,  
docks, etc., —  
power to  
purchase.

- (1) The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, garages, hangars, aerodromes, offices and any other works necessary for the exercise of the powers conferred upon the Commission and may sell and convey any such land as may from time to time be found superfluous for any such purpose.

Rev. Stat.,  
c. 53, s. 12,  
re-enacted.

6. Section 12 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Erection,  
maintenance,  
alteration  
and repair  
of buildings,  
etc.

12. The Commission may erect and maintain all necessary and convenient buildings, garages, hangars, aerodromes, filling stations, stations, depots, wharves and fixtures, and may from time to time alter, repair or enlarge the same, and may purchase and acquire motors, motor vehicles, trailers, aeroplanes, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and its busses, trucks and aeroplane lines and the accommodation and use of the passengers, freight and business of the Commission.

Power to  
sell or  
dispose of  
motor  
vehicles,  
etc.

- 12a. The Commission may sell or otherwise dispose of any motor vehicles, aeroplanes, equipment or works as may from time to time be found superfluous or unfit for the purposes of the Commission.

Rev. Stat.,  
c. 53,  
amended.

7. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:

Section 4. Under the present section 8 the power to fix fares and tolls contained in subsection 1, extends only to traffic carried upon the railway. This subsection is amended to extend the power to all traffic so as to cover traffic carried by busses, trucks and aeroplanes.

Section 5. The present subsection 1 of section 11 gives power to the Commission to purchase lands and erect buildings thereon for the purpose of the Railway. The amendment extends this power to permit the Railway to purchase lands for garages, hangars and aerodromes.

Section 6. Section 12 of the Act as re-enacted, extends the power of the Commission to erect and maintain all necessary and convenient buildings, to include the erection and maintenance of garages, hangars, aerodromes and filling stations, and empowers the Commission to acquire motor vehicles, trailers and aeroplanes and all necessary equipment for the operation of bus, truck and aeroplane lines.

The new section 12a empowers the Commission to sell its superfluous or worn-out equipment.

Section 7. The new section 18a requires any subsidiary company incorporated by the Commission to obtain the consent and approval of the Lieutenant-Governor in Council before exercising any power possessed by the Commission in all cases where it would be necessary for the Commission itself to obtain such consent and approval.



Approval  
of  
Lieutenant-  
Governor.

18a. Wherever in this Act the approval or consent of the Lieutenant-Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may cause to be incorporated providing the approval or consent of the Lieutenant-Governor in Council is obtained.

Rev. Stat.,  
c. 53, s. 26,  
subs. 1,  
amended.

8.—(1) Subsection 1 of section 26 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "acquired" in the fourth line the words "or of any company caused to be incorporated by the Commission under the authority of this Act," so that the said subsection shall now read as follows:

Holding  
shares.

(1) The Commission, and any or all of the commissioners, or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired or of any company caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario and may exercise all the rights of shareholders in respect of the shares so held by them.

Rev. Stat.,  
c. 53, s. 26,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 26 is amended by inserting after the word "Company" in the third line the words "or of any company caused to be incorporated by the Commission under the authority of this Act," and by striking out the word "it" in the fourth line and inserting in lieu thereof the words "any such company," so that the said subsection shall now read as follows:

Guarantee-  
ing con-  
tracts.

(4) The Commission may guarantee the performance of any and all obligations or undertakings of the said Nipissing Central Railway Company or of any company caused to be incorporated by the Commission under the authority of this Act, and the repayment of any advances made to any such company for the purposes aforesaid or any of them, but shall not guarantee any obligations for construction until authorized by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 53, s. 26,  
amended.

(3) The said section 26 is further amended by adding thereto the following subsection:

Commission  
authorized  
to advance  
funds to  
subsidiaries.

(5) The Commission, with the approval of the Lieutenant-Governor in Council, may from time to time advance to any company caused to be incorporated by the Commission under the authority of this Act such sums as may be required for such purposes.

Section 8.—(1) The amendment made by subsection 1 empowers the commissioners and the officers of the Commission to hold shares in subsidiary companies, in trust for Ontario in the same manner as they now hold the shares of the Nipissing Central Railway Company.

(2) The amendment made by subsection 2 is to permit the Commission to guarantee contracts of any company organized to take over and operate its bus, truck or aeroplane lines in the same way as the Commission is now authorized to guarantee the performance of the obligations of the Nipissing Central Railway Company.

(3) The new subsection 5 added to section 26 of the Act empowers the Commission to advance funds to and finance any subsidiary company incorporated by it under the authority of the Act in the same manner as it is now authorized to advance moneys to the Nipissing Central Railway Company.



Rev. Stat.,  
c. 53, s. 27,  
subs. 1,  
amended.

9. Subsection 1 of section 27 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "therefor" in the fifth line the words "and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and equipment therefor, and for the maintenance thereof," so that the said subsection shall now read as follows:

Commission  
authorized  
to issue  
bonds, etc.

- (1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Rev. Stat.,  
c. 53, s. 28,  
amended.

10. Section 28 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "railway" in the fifth line the words "and for the purchase, maintenance and operation of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and equipment therefor," so that the said section shall now read as follows:

Advances  
out of Con-  
solidated  
Revenue  
Fund.

28. The Lieutenant-Governor in Council may from time to time authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund, such sums as may be deemed necessary for the construction, maintenance and operation of the railway and for the purchase, maintenance and operation of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor or other works of the Commission and all moneys so advanced shall be duly accounted for by the Commission.

Commence-  
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. This amendment empowers the Commission to borrow money for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor and for the maintenance thereof and to issue bonds and debentures to provide for the repayment of any moneys so borrowed in the same manner as the Commission is now authorized to borrow money for the construction and maintenance of the Temiskaming and Northern Ontario Railway and the Nipissing Central Railway.

Section 10. This amendment empowers the Province to advance moneys to the Railway for the purchase, maintenance and operation of all the equipment necessary to operate bus, truck and aeroplane lines in the same manner as the Province may now advance money for the construction and maintenance of the Railway.





BILL

An Act to amend The Temiskaming and  
Northern Ontario Railway Act.

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*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

**An Act to amend The Temiskaming and Northern Ontario Railway Act.**

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MR. HEPBURN

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No. 101

1936

# BILL

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Temiskaming and Northern Ontario Railway Amendment Act, 1936.*

Rev. Stat.,  
c. 53, s. 6,  
subs. 2,  
amended.      **2.** Subsection 2 of section 6 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following clause:

Powers of  
Commission.  
Rev. Stat.,  
c. 251.

(d) purchase or otherwise acquire motor vehicles and trailers as defined by *The Highway Traffic Act*, aeroplanes and lines of busses, coaches, trucks and aeroplanes, and may operate, maintain, control and manage such vehicles, trailers, aeroplanes and lines for the purpose of carrying on or upon the highway and elsewhere the business of a public carrier of passengers and freight.

Rev. Stat.,  
c. 53,  
amended.

**3.** *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following sections:

Exemption  
from  
licenses.  
1936, c. —;  
Rev. Stat.,  
cc. 252, 233.

6a. The provisions of *The Commercial Vehicle Act, 1936*, and sections 2 to 8, 24, 25 and 26 of *The Public Vehicle Act* and amendments thereto, and subsection 4 of section 414 of *The Municipal Act* shall not apply to or be binding upon the Commission.

Power to  
incorporate  
subsidiary  
companies.

6b. Subject to the approval of the Lieutenant-Governor in Council, the Commission may promote, cause to be incorporated and organized a company or companies under any public or private Act of any province or of the Dominion of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company shall possess and enjoy all

the rights, remedies and immunities conferred by law or by this Act upon the Commission.

4. Subsection 1 of section 8 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "upon the railway" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat.,  
c. 53, s. 8,  
subs. 1,  
amended.

- (1) The Commission may make regulations fixing the fares and tolls to be charged for all traffic carried and with respect to any telephone or telegraph lines operated by the Commission as herein authorized. Tolls and  
fares.

5. Subsection 1 of section 11 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "workshops" in the third line the words "garages, hangars, aerodromes," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 53, s. 11,  
subs. 1,  
amended.

- (1) The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, garages, hangars, aerodromes, offices and any other works necessary for the exercise of the powers conferred upon the Commission and may sell and convey any such land as may from time to time be found superfluous for any such purpose. Power  
houses,  
elevators,  
docks, etc.,—  
power to  
purchase.

6. Section 12 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 53, s. 12,  
re-enacted.

12. The Commission may erect and maintain all necessary and convenient buildings, garages, hangars, aerodromes, filling stations, stations, depots, wharves and fixtures, and may from time to time alter, repair or enlarge the same, and may purchase and acquire motors, motor vehicles, trailers, aeroplanes, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and its busses, trucks and aeroplane lines and the accommodation and use of the passengers, freight and business of the Commission. Erection,  
maintenance,  
alteration  
and repair  
of buildings,  
etc.

- 12a. The Commission may sell or otherwise dispose of any motor vehicles, aeroplanes, equipment or works as may from time to time be found superfluous or unfit for the purposes of the Commission. Power to  
sell or  
dispose of  
motor  
vehicles,  
etc.

7. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 53,  
amended.

Approval  
of  
Lieutenant-  
Governor.

18a. Wherever in this Act the approval or consent of the Lieutenant-Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may cause to be incorporated providing the approval or consent of the Lieutenant-Governor in Council is obtained.

Rev. Stat.,  
c. 53, s. 26,  
subs. 1,  
amended.

8.—(1) Subsection 1 of section 26 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "acquired" in the fourth line the words "or of any company caused to be incorporated by the Commission under the authority of this Act," so that the said subsection shall now read as follows:

Holding  
shares.

(1) The Commission, and any or all of the commissioners, or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired or of any company caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario and may exercise all the rights of shareholders in respect of the shares so held by them.

Rev. Stat.,  
c. 53, s. 26,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 26 is amended by inserting after the word "Company" in the third line the words "or of any company caused to be incorporated by the Commission under the authority of this Act," and by striking out the word "it" in the fourth line and inserting in lieu thereof the words "any such company," so that the said subsection shall now read as follows:

Guarantee-  
ing con-  
tracts.

(4) The Commission may guarantee the performance of any and all obligations or undertakings of the said Nipissing Central Railway Company or of any company caused to be incorporated by the Commission under the authority of this Act, and the repayment of any advances made to any such company for the purposes aforesaid or any of them, but shall not guarantee any obligations for construction until authorized by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 53, s. 26,  
amended.

(3) The said section 26 is further amended by adding thereto the following subsection:

Commission  
authorized  
to advance  
funds to  
subsidiaries.

(5) The Commission, with the approval of the Lieutenant-Governor in Council, may from time to time advance to any company caused to be incorporated by the Commission under the authority of this Act such sums as may be required for such purposes.



9. Subsection 1 of section 27 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "therefor" in the fifth line the words "and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 53, s. 27,  
subs. 1,  
amended.

- (1) Subject to the approval of the Lieutenant-Governor in Council the Commission may borrow money from time to time for the construction of its railway or the railway of the Nipissing Central Railway Company and the purchase of rolling stock and other equipment therefor, and for the purchase of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor, and for the maintenance thereof, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Commission  
authorized  
to issue  
bonds, etc.

10. Section 28 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "railway" in the fifth line the words "and for the purchase, maintenance and operation of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor," so that the said section shall now read as follows:

Rev. Stat.,  
c. 53, s. 28,  
amended.

28. The Lieutenant-Governor in Council may from time to time authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund, such sums as may be deemed necessary for the construction, maintenance and operation of the railway and for the purchase, maintenance and operation of motor vehicles, trailers, aeroplanes, lines of busses, coaches, trucks and aeroplanes and equipment therefor or other works of the Commission and all moneys so advanced shall be duly accounted for by the Commission.

Advances  
out of Con-  
solidated  
Revenue  
Fund.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.







# BILL

An Act to amend The Temiskaming and  
Northern Ontario Railway Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 8th, 1936

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MR. HEPBURN

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No. 102

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to repeal The Optometry Act.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to repeal The Optometry Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Optometry Repeal Act, 1936*.

Rev. Stat.,  
c. 215;  
1931, c. 45,  
repealed.      **2.** *The Optometry Act*, being chapter 215 of the Revised Statutes of Ontario, 1927, and *The Optometry Act, 1931*, are repealed.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the Bill is to repeal *The Optometry Act* and the amendments of 1931.

BILL

An Act to repeal The Optometry Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

---

MR. HEBBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to repeal The Optometry Act.

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MR. HEPBURN

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No. 102

1936

# BILL

## An Act to repeal The Optometry Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Optometry Repeal Act, 1936*.

Rev. Stat.,  
c. 215;  
1931, c. 45,  
repealed.      **2.** *The Optometry Act*, being chapter 215 of the Revised Statutes of Ontario, 1927, and *The Optometry Act, 1931*, are repealed.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to repeal The Optometry Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. HEPBURN

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No. 103

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Vital Statistics Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Vital Statistics Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Vital Statistics Amendment Act, 1936*.

Rev. Stat.,  
c. 78, s. 35,  
re-enacted.      **2.** Section 35 of *The Vital Statistics Act* is repealed and the following substituted therefor:

Coroner's  
certificate,—  
issue of.

**35.** Where there is reason to believe that a person has died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct on the part of others, or under such circumstances as require investigation, no burial permit shall be issued by a division registrar unless and until,—

Rev. Stat.,  
c. 123.

(a) notice has been given to him by the coroner that he has examined the body and made inquiry into the circumstances of the death as provided by *The Coroners Act*; or

(b) an inquest has been held and the coroner has furnished the particulars required in the prescribed form; or

(c) notice has been given to him by the coroner that it is impracticable for the coroner to issue a notice of the death in the prescribed form and that he has examined the body and is making inquiry into the circumstances of the death, and that he undertakes to deliver or transmit to the division registrar, a notice of the death in the prescribed form within fifteen days after the date of such notice,

nor shall the body be embalmed or cremated nor any embalming fluid or other chemical be applied

#### EXPLANATORY NOTES

At present where a person has died by violence or misadventure or unfair means no burial certificate may be issued until the coroner has filed a notice in the prescribed form or has held an inquest.

Sometimes an inquest does not appear necessary and the facts required to be inserted in the prescribed notice do not become available until the completion of an inquiry which may last for days. The amendment permits a coroner to file a temporary notice in such cases but requires him to undertake to deliver a notice in the prescribed form within fifteen days.



to it either internally or externally, nor shall any other change or alteration be made thereto until such notice is given or inquest held, unless the coroner so directs.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Vital Statistics  
Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Vital Statistics Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Vital Statistics Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Vital Statistics Amendment Act, 1936*.

Rev. Stat.,  
c. 78, s. 35,  
re-enacted.      **2.** Section 35 of *The Vital Statistics Act* is repealed and the following substituted therefor:

Coroner's  
certificate,—  
issue of.

**35.** Where there is reason to believe that a person has died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct on the part of others, or under such circumstances as require investigation, no burial permit shall be issued by a division registrar unless and until,—

(a) notice has been given to him by the coroner that he has examined the body and made inquiry into the circumstances of the death as provided by *The Coroners Act*; or

(b) an inquest has been held and the coroner has furnished the particulars required in the prescribed form; or

(c) notice has been given to him by the coroner that it is impracticable for the coroner to issue a notice of the death in the prescribed form and that he has examined the body and is making inquiry into the circumstances of the death, and that he undertakes to deliver or transmit to the division registrar, a notice of the death in the prescribed form within fifteen days after the date of such notice,

nor shall the body be embalmed or cremated nor any embalming fluid or other chemical be applied

Rev. Stat.,  
c. 123.

to it either internally or externally, nor shall any other change or alteration be made thereto until such notice is given or inquest held, unless the coroner so directs.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.

BILL

An Act to amend The Vital Statistics  
Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 3rd, 1936

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Mr. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Magistrates.

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MR. ROEBUCK

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# BILL

## An Act respecting Magistrates.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      **1.** This Act may be cited as *The Magistrates Act, 1936*.
- Interpre-  
tation.      **2.** In this Act,—
- “County.”      (a) “County” shall include united counties and provisional county;
- “Inspector.”      (b) “Inspector” shall mean Inspector of Legal Offices and shall include every Assistant Inspector of Legal Offices;
- “Magis-  
trate.”      (c) “Magistrate” shall include a deputy magistrate and a police magistrate and deputy police magistrate within the meaning of the *Criminal Code*. *New*.
- R.S.C.  
c. 36.      **3.**—(1) The Lieutenant-Governor in Council may appoint magistrates and deputy magistrates who shall hold office during pleasure. R.S.O. 1927, c. 119, s. 1, *amended*.
- Appoint-  
ment.      (2) Where the council of a city having a population of one hundred thousand or over by resolution declares that it is desirable that a woman should be appointed to be a magistrate or deputy magistrate for such city, the Lieutenant-Governor in Council may appoint a woman to be a magistrate or deputy magistrate accordingly and where there are more magistrates than one for any city the appointment may be in addition to any magistrate then in office or to fill an existing vacancy among the magistrates. R.S.O. 1927, c. 119, s. 23 (1), *amended*.
- Appoint-  
ment of  
female  
magistrate.      **4.** On the recommendation of the Attorney-General, the Lieutenant-Governor in Council may designate and define any number of magisterial districts. *New*.
- Designation.      **5.** The Attorney-General may designate any magistrate as senior magistrate for a magisterial district. *New*.
- Senior  
magistrate.

#### EXPLANATORY NOTES

Section 2. This section defines "County," "Inspector," and "Magistrate."

Section 3.—(1) Magistrates and deputy magistrates may be appointed and shall hold office during the pleasure of the Lieutenant-Governor in Council.

(2) A woman magistrate may be appointed in cities having a population of over 100,000.

Section 4. Magisterial districts may be designated.

Section 5. There may be a senior magistrate in each magisterial district.





Section 6. The jurisdiction of every magistrate shall be province-wide although the Lieutenant-Governor may in the order of appointment, assign any magistrate to any magisterial district or part thereof.

Section 7. The Attorney-General may from time to time direct any magistrate to act in any magisterial district or part thereof.

Section 8.—(1) The section prescribes the oath of office to be taken by magistrates together with the oath of allegiance.

(2) The oaths shall be delivered to the Inspector and there filed.

Section 9.—(1) A magistrate is *ex officio* a justice of the peace.

(2) A magistrate has the power of two justices of the peace.

Section 10.—(1) A magistrate is forbidden to act in a matter coming before a magistrate or justice of the peace. No partner or clerk of a magistrate shall act in any proceeding coming before such magistrate.

(2) Unless otherwise authorized a magistrate shall devote his full time to his work as such.

Section 11.—(1) Certain returns are required to be made by magistrates.

(2) The clerk of the peace is entitled to the same fees in respect to returns made by magistrates as in the case with returns made by justices of the peace.

magistrates as in the case of returns made by justices of the peace. R.S.O. 1927, c. 119, s. 12 (3), *amended*.

Judge and deputy judge of juvenile court to be *ex officio* magistrate.

**12.** Every judge and deputy judge of a juvenile court shall be *ex officio* a magistrate, but shall only act as such when directed by the Attorney-General. R.S.O. 1927, c. 119, s. 26; 1930, c. 21, s. 8, *amended*.

Appointment of interpreters in cities.

**13.**—(1) The board of commissioners of police of any city having a population of not less than fifty thousand may appoint one or more official interpreters to act in all cases coming before any magistrate of such city in which the services of an interpreter may be required, and any such interpreter or interpreters may be paid such salary or other remuneration as may be fixed by the board, and such salary or remuneration shall be paid by the board out of moneys which shall be appropriated for that purpose by the council of such city. R.S.O. 1927, c. 119, s. 14, *amended*.

Appointment of interpreters

(2) The magistrate, may employ an interpreter in any case in which the services of an interpreter may be required. *New*.

Superannuation in cities excluded from any district.

**14.** Where a magistrate appointed for a named city has attained the age of seventy years, the council of the city may by by-law provide for the payment to such magistrate during his lifetime, of an annual sum by way of superannuation allowance. R.S.O. 1927, c. 119, s. 27, *amended*.

Salaries, to be fixed by Lieutenant-Governor in Council.

**15.**—(1) Every magistrate appointed under this Act shall be paid such annual salary as may be fixed by the Lieutenant-Governor in Council.

Payment of salaries monthly.

(2) The salary of every magistrate shall be paid monthly and shall be apportionable to the date of death of the magistrate, or of his vacating his office. *New*.

Salaries and travelling expenses,—how payable.

**16.**—(1) The salary and travelling expenses of every magistrate appointed under this Act shall be payable out of such sums as may be appropriated by the Legislature for the payment of salaries of magistrates, provided, however, that the Lieutenant-Governor in Council may by the order appointing any magistrate, direct that in lieu thereof the salary of the magistrate shall be paid by any city to which the magistrate is assigned.

Partial repayment to Province.

(2) Except in the case of a magistrate whose salary is directed to be paid by a city as provided in subsection 1, every magistrate shall deduct two-fifths of the total amount of the moneys coming into his hands in fines and fees which would otherwise accrue to the treasurer of the municipality, and shall pay such deducted amount to the Treasurer of Ontario. *New*.



Section 12. Juvenile court judges and deputy judges are *ex officio* magistrates but shall act only on the direction of the Attorney-General.

Section 13.—(1) Interpreters may be appointed by Boards of Commissioners of police.

(2) A magistrate may employ an interpreter.

Section 14. Councils of certain cities may grant a superannuation allowance to magistrates.

Section 15.—(1) The Lieutenant-Governor in Council shall determine the salaries of magistrates.

(2) Magistrates' salaries shall be paid monthly.

Section 16.—(1) Magistrates' salaries shall be paid out of sums appropriated by the Legislature, but the Lieutenant-Governor in Council may direct a magistrate's salary to be paid by any city to which he is assigned.

(2) Magistrates whose salaries are paid by the Province shall remit two-fifths of the fines and fees which would otherwise accrue to the treasurer of the municipality, to the Treasurer of Ontario.

Power to hold court in cities or towns, etc.

**17.** A magistrate may sit or hold his court in any city, town or village, and in such other places as may be necessary. *New.*

Use of court room.

**18.** A magistrate shall have the right to use any court room or town hall belonging to a county or municipality in which he may sit, but not so as to interfere with the ordinary use of the court room or town hall for other courts or other purposes for which the same is maintained. R.S.O. 1927, c. 119, s. 36 (2), *amended.*

Offices and court rooms.

**19.—(1)** Every county shall provide a suitable office, furniture, equipment, stationery, clerical assistance and other accommodation for the magistrate in accordance with the regulations.

In provisional judicial districts.

**(2)** In provisional judicial districts the Lieutenant-Governor in Council may authorize the purchase, erection or rental of a suitable building or part of a building for the office of the magistrate. R.S.O. 1927, c. 119, s. 37; 1933, c. 59, s. 14 (4), *amended.*

Forms and stationery.

**20.** The forms and stationery used by every magistrate shall be as prescribed by the Inspector. *New.*

Exceptions as to cities providing forms, etc.

**21.** Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council may direct that any city to which a magistrate is assigned, shall provide a suitable office, furniture, equipment, stationery, clerical assistance and other accommodation for the magistrate in accordance with the regulations. *New.*

Audit of accounts.

Rev. Stat., c. 126.

**22.** All accounts relating to salaries and expenses shall be audited as provided in section 16 of *The Administration of Justice Expenses Act*. R.S.O. 1927, c. 119, s. 34 (2), *amended.*

Magistrates for city of Toronto.

**23.** Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council may appoint four magistrates for the city of Toronto, and when deemed necessary, an additional magistrate. R.S.O. 1927, c. 119, s. 28, *amended.*

Senior magistrate for Toronto.

**24.** One of the magistrates for the city of Toronto may be designated senior magistrate. R.S.O. 1927, c. 119, s. 29, *amended.*

Regulations.

**25.—(1)** The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the period and manner in which fines and fees payable to the Treasurer of Ontario or any municipality entitled to any fines under this or any other Act, shall be paid over by magistrates;
- (b) providing for the inspection of the books, accounts and offices of magistrates;

Section 17. A magistrate may hold court wherever it is necessary.

Section 18. A magistrate may use a court room or town hall providing no inconvenience is caused.

Section 19.—(1) Proper accommodation shall be furnished a magistrate by the counties.

(2) In districts the Lieutenant-Governor in Council may authorize proper accommodation to be furnished.

Section 20. The Inspector shall prescribe the forms and stationery.

Section 21. The Lieutenant-Governor in Council may direct certain cities to furnish a magistrate with such equipment and supplies as the Inspector deems necessary.

Section 22. Magistrates' accounts shall be audited according to the provisions of *The Administration of Justice Expenses Act*.

Section 23. There may be four magistrates for the City of Toronto and, if necessary, an additional one.

Section 24. One of the Toronto magistrates may be designated senior magistrate.

Section 25. The Lieutenant-Governor in Council may make regulations.



- (c) defining the powers and duties of the Inspector;
- (d) providing for the appointment or employment of stenographic reporters to take down evidence before magistrates;
- (e) defining the classes of cases in which stenographic reporters may be employed and the terms and conditions of such employment;
- (f) fixing the fees and remuneration of stenographic reporters;
- (g) providing for the remuneration of a stenographic reporter by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case or partly by one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (h) prescribing the returns to be made by magistrates;
- (i) providing for the appointment of clerical and other assistants of a magistrate and prescribing the duties and fixing the salary or other remuneration of such assistants;
- (j) prescribing the equipment, arrangement and furnishings of magistrates' offices, or any office connected with the administration of justice by magistrates;
- (k) prescribing the powers, duties and office hours of magistrates;
- (l) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 119, s. 13 (1), *amended*.

Regulations,—  
general or  
particular.

Rev. Stat.,  
c. 121.

(2) Any such regulation may be general or particular in its application and may provide for the imposing of penalties for a breach of the regulations and the recovery of such penalties under *The Summary Convictions Act*, or in such other manner as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 119, s. 13 (2).

Rev. Stat.,  
c. 119 and  
amendments,  
repealed.

**26.** *The Magistrates Act*, being chapter 119 of the Revised Statutes of Ontario, 1927, and all amendments thereto are repealed.

Commence-  
ment of Act.

**27.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Section 26. *The Magistrates Act*, being chapter 119 of the Revised Statutes of 1927, and all amendments thereto, are repealed.

Section 27. The Act will come into force upon proclamation.

BILL

An Act respecting Magistrates.

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*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Magistrates.

---

MR. ROEBUCK

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No. 104

1936

# BILL

## An Act respecting Magistrates.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      **1.** This Act may be cited as *The Magistrates Act, 1936*.
- Interpre-      **2.** In this Act,—  
tation.
- “County.”      (a) “County” shall include united counties and provisional county;
- “Inspector.”      (b) “Inspector” shall mean Inspector of Legal Offices and shall include every Assistant Inspector of Legal Offices;
- “Magis-      (c) “Magistrate” shall include a deputy magistrate and a  
trate.”      police magistrate and deputy police magistrate within the meaning of the *Criminal Code*. *New*.
- R.S.C.  
c. 36.
- Appoint-      **3.**—(1) The Lieutenant-Governor in Council may appoint  
ment.      magistrates and deputy magistrates who shall hold office during pleasure. R.S.O. 1927, c. 119, s. 1, *amended*.
- Appoint-      (2) Where the council of a city having a population of  
ment of      one hundred thousand or over by resolution declares that it is  
female      desirable that a woman should be appointed to be a magistrate  
magistrate.
- Designation.      **4.** On the recommendation of the Attorney-General, the Lieutenant-Governor in Council may designate and define any number of magisterial districts. *New*.
- Senior      **5.** The Attorney-General may designate any magistrate as  
magistrate.      senior magistrate for a magisterial district. *New*.



6. Every magistrate appointed under the provisions of this Act shall have jurisdiction to act at any place within the Province of Ontario, but the Order-in-Council appointing a magistrate may assign such magistrate to any magisterial district or part thereof. *New.*

7. Notwithstanding the provisions of the Order-in-Council appointing a magistrate, the Attorney-General may, from time to time, direct any magistrate to act in any magisterial district or part thereof. R.S.O. 1927, c. 119, s. 3, *amended*.

**8.—(1)** Every magistrate before acting shall take the following oath of office,—

I, A.B. of the \_\_\_\_\_ of \_\_\_\_\_ in the County \_\_\_\_\_ (or District) of \_\_\_\_\_ do swear that I will well and truly serve our Sovereign Lord King Edward *(or the reigning Sovereign for the time being)* in the office of magistrate *(or deputy magistrate, as the case may be)*, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will. So help me God.

Sworn, etc.

*A.B.*

and also the oath of allegiance as required by *The Public Officers Act*. Rev. Stat.,  
c. 17.

(2) The oath of office and oath of allegiance shall forthwith be delivered to the Inspector and shall be filed in his office. <sup>Oaths to be filed with Inspector.</sup>  
R.S.O. 1927, c. 119, s. 4, *amended*.

**9.**—(1) Every magistrate shall be *ex officio* a justice of the peace. R.S.O. 1927, c. 119, s. 5, *amended*.

(2) A magistrate sitting as such or as a justice of the peace, shall have power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1927, c. 119, s. 6, *amended*.

**10.—**(1) A magistrate shall not act as agent, solicitor or counsel in any cause, matter, prosecution or proceeding before a magistrate or justice of the peace, and no partner or clerk of a magistrate shall act as agent, solicitor or counsel in any proceeding before him.

(2) Unless otherwise provided by Order-in-Council, a magistrate appointed under this Act shall not practise any profession or actively engage in any business, trade or occupation, but shall devote his whole time to the performance of his duties as magistrate. R.S.O. 1927, c. 119, s. 10, *amended*.

**11.—(1)** Every magistrate shall make such returns to the Inspector, the clerk of the peace and other municipal or provincial officers as the regulations may direct. R.S.O. 1927, c. 119, s. 12 (1), *amended*. Returns by magistrates and deputy magistrates.

(2) The clerk of the peace shall be entitled to the same fees for any services performed in respect to returns made by the clerk of the peace.



magistrates as in the case of returns made by justices of the peace. R.S.O. 1927, c. 119, s. 12 (3), *amended*.

Judge and deputy judge of juvenile court to be *ex officio* magistrate.

**12.** Every judge and deputy judge of a juvenile court shall be *ex officio* a magistrate, but shall only act as such when directed by the Attorney-General. R.S.O. 1927, c. 119, s. 26; 1930, c. 21, s. 8, *amended*.

Appointment of interpreters in cities.

**13.**—(1) The board of commissioners of police of any city having a population of not less than fifty thousand may appoint one or more official interpreters to act in all cases coming before any magistrate of such city in which the services of an interpreter may be required, and any such interpreter or interpreters may be paid such salary or other remuneration as may be fixed by the board, and such salary or remuneration shall be paid by the board out of moneys which shall be appropriated for that purpose by the council of such city. R.S.O. 1927, c. 119, s. 14, *amended*.

Appointment of interpreters.

(2) The magistrate, may employ an interpreter in any case in which the services of an interpreter may be required. *New*.

Superannuation in cities excluded from any district.

**14.** Where a magistrate appointed for a named city has attained the age of seventy years, the council of the city may by by-law provide for the payment to such magistrate during his lifetime, of an annual sum by way of superannuation allowance. R.S.O. 1927, c. 119, s. 27, *amended*.

Salaries, to be fixed by Lieutenant-Governor in Council.

**15.**—(1) Every magistrate appointed under this Act shall be paid such annual salary as may be fixed by the Lieutenant-Governor in Council.

Payment of salaries monthly.

(2) The salary of every magistrate shall be paid monthly and shall be apportionable to the date of death of the magistrate, or of his vacating his office. *New*.

Salaries and travelling expenses,—how payable.

**16.**—(1) The salary and travelling expenses of every magistrate appointed under this Act shall be payable out of such sums as may be appropriated by the Legislature for the payment of salaries of magistrates, provided, however, that the Lieutenant-Governor in Council may by the order appointing any magistrate, direct that in lieu thereof the salary of the magistrate shall be paid by any city to which the magistrate is assigned.

Partial repayment to Province.

(2) Except in the case of a magistrate whose salary is directed to be paid by a city as provided in subsection 1, every magistrate shall deduct two-fifths of the total amount of the moneys coming into his hands in fines and fees which would otherwise accrue to the treasurer of the municipality, and shall pay such deducted amount to the Treasurer of Ontario. *New*.

**17.** A magistrate may sit or hold his court in any city, town or village, and in such other places as may be necessary. *New.* Power to hold court in cities or towns, etc.

**18.** A magistrate shall have the right to use any court room or town hall belonging to a county or municipality in which he may sit, but not so as to interfere with the ordinary use of the court room or town hall for other courts or other purposes for which the same is maintained. R.S.O. 1927, c. 119, s. 36 (2), *amended.* Use of court room.

**19.**—(1) Every county shall provide a suitable office, furniture, equipment, stationery, clerical assistance and other accommodation for the magistrate in accordance with the regulations. Offices and court rooms.

(2) In provisional judicial districts the Lieutenant-Governor in Council may authorize the purchase, erection or rental of a suitable building or part of a building for the office of the magistrate. R.S.O. 1927, c. 119, s. 37; 1933, c. 59, s. 14 (4), *amended.* In provisional judicial districts.

**20.** The forms and stationery used by every magistrate shall be as prescribed by the Inspector. *New.* Forms and stationery.

**21.** Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council may direct that any city to which a magistrate is assigned, shall provide a suitable office, furniture, equipment, stationery, clerical assistance and other accommodation for the magistrate in accordance with the regulations. *New.* Exceptions as to cities providing forms, etc.

**22.** All accounts relating to salaries and expenses shall be audited as provided in section 16 of *The Administration of Justice Expenses Act*. R.S.O. 1927, c. 119, s. 34 (2), *amended.* Audit of accounts. Rev. Stat., c. 126.

**23.** Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council may appoint four magistrates for the city of Toronto, and when deemed necessary, additional magistrates. R.S.O. 1927, c. 119, s. 28, *amended.* Magistrates for city of Toronto.

**24.** One of the magistrates for the city of Toronto may be designated senior magistrate. R.S.O. 1927, c. 119, s. 29, *amended.* Senior magistrate for Toronto.

**25.**—(1) The Lieutenant-Governor in Council may make regulations,— Regulations.

(a) fixing the period and manner in which fines and fees payable to the Treasurer of Ontario or any municipality entitled to any fines under this or any other Act, shall be paid over by magistrates;

(b) providing for the inspection of the books, accounts and offices of magistrates;

- (c) defining the powers and duties of the Inspector;
- (d) providing for the appointment or employment of stenographic reporters to take down evidence before magistrates;
- (e) defining the classes of cases in which stenographic reporters may be employed and the terms and conditions of such employment;
- (f) fixing the fees and remuneration of stenographic reporters;
- (g) providing for the remuneration of a stenographic reporter by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case or partly by one method and partly by the other, and where the remuneration is made payable by the municipal corporation, providing for the allowance of a charge for stenographic reporting as part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (h) prescribing the returns to be made by magistrates;
- (i) providing for the appointment of clerical and other assistants of a magistrate and prescribing the duties and fixing the salary or other remuneration of such assistants;
- (j) prescribing the equipment, arrangement and furnishings of magistrates' offices, or any office connected with the administration of justice by magistrates;
- (k) prescribing the powers, duties and office hours of magistrates;
- (l) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 119, s. 13 (1), *amended*.

Regulations,—  
general or  
particular.

Rev. Stat.,  
c. 121.

(2) Any such regulation may be general or particular in its application and may provide for the imposing of penalties for a breach of the regulations and the recovery of such penalties under *The Summary Convictions Act*, or in such other manner as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 119, s. 13 (2).

Rev. Stat.,  
c. 119 and  
amendments,  
repealed.

**26.** *The Magistrates Act*, being chapter 119 of the Revised Statutes of Ontario, 1927, and all amendments thereto are repealed.

Commence-  
ment of Act.

**27.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.





BILL

An Act respecting Magistrates.

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*1st Reading*

March 25th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 6th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Mortgagors' and Purchasers' Relief Act, 1933.

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MR. ROEBUCK

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# BILL

## An Act to amend The Mortgagors' and Purchasers' Relief Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*.

1933, c. 35, s. 33, amended.      **2.** Section 33 of *The Mortgagors' and Purchasers' Relief Act, 1933*, is amended by striking out the word "principal" in the second line, so that the said section shall now read as follows:

Proceedings where moneys paid into Court or tender is made.

**33.** Where, after any action or other proceeding has been commenced, and such interest, rent, taxes or other disbursements are paid into court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into court, the plaintiff shall, if he so elects, have the right to take the money out of court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

1933, c. 35, continued in force.

1934, c. 33, 1935, c. 41.

**3.—(1)** Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, or *The Mortgagors' and Purchasers' Relief Act, 1935*, all the other provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall, subject to the provisions of subsection 2 of this section, continue in force and have effect until the 30th day of June, 1937.

#### EXPLANATORY NOTES

Section 2. This amendment permits the staying of an action brought under Part II of the Act upon payment into court, or to the company or person entitled thereto, of rent, interest, taxes or other disbursements.

Section 3. This extends the operation of the Act of 1933 until the 30th day of June, 1937, unless it is sooner terminated by the Lieutenant-Governor in Council who may also provide that the Act, while in force, shall be subject to limitations.

Power of  
Lieutenant-  
Governor  
in Council  
to terminate  
or limit  
operation  
of Act.

(2) The Lieutenant-Governor in Council may at any time terminate the operation of the said Act, or provide that the said Act shall have effect subject to such limitations as may be contained in the Order-in-Council.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Mortgageors' and  
Purchasers' Relief Act, 1933.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Mortgagors' and Purchasers' Relief Act, 1933.

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MR. ROEBUCK

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# BILL

## An Act to amend The Mortgagors' and Purchasers' Relief Act, 1933.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*.

1933,  
c. 35, s. 33,  
amended.

**2.** Section 33 of *The Mortgagors' and Purchasers' Relief Act, 1933*, is amended by striking out the word "principal" in the second line, so that the said section shall now read as follows:

Proceedings  
where  
moneys  
paid into  
Court or  
tender  
is made.

**33.** Where, after any action or other proceeding has been commenced, and such interest, rent, taxes or other disbursements are paid into court or tendered to the mortgagee, vendor, assignee or personal representative, such action or other proceeding shall not be continued without an order of the judge granted upon an application to him upon originating notice in accordance with the practice of the Supreme Court, except that in the case of money being paid into court, the plaintiff shall, if he so elects, have the right to take the money out of court and abandon his action; or in the case of money being tendered him, he shall, if he so elects, have the right to take the same and abandon his action, and such plaintiff shall be entitled to such reasonable costs as the judge may allow.

1933, c. 35,  
continued  
in force.

1934, c. 33,  
1935, c. 41.

**3.—(1)** Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, or *The Mortgagors' and Purchasers' Relief Act, 1935*, all the other provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall, subject to the provisions of subsection 2 of this section, continue in force and have effect until the 30th day of June, 1937.

(2) The Lieutenant-Governor in Council may at any time terminate the operation of the said Act, or provide that the said Act shall have effect subject to such limitations as may be contained in the Order-in-Council.

Power of  
Lieutenant-  
Governor  
in Council  
to terminate  
or limit  
operation  
of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

BILL

An Act to amend 'The Mortgageors' and  
Purchasers' Relief Act, 1933.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 3rd, 1936

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MR. ROEBUCK

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No. 106

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Justices of the Peace Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 106

1936

# BILL

An Act to amend The Justices of the Peace Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Justices of the Peace Amendment Act, 1936*.

Rev. Stat.,  
c. 118,  
amended.      **2.** *The Justices of the Peace Act* is amended by adding thereto the following section:

Powers of  
justices  
of the  
peace.      **16a.**—(1) Any justice of the peace acting within his territorial jurisdiction, may take an information or issue a search warrant or a summons or warrant returnable before a magistrate having jurisdiction to try the case and may hear and determine a prosecution under a by-law of any municipality.

Limitation  
of power.      (2) Save as provided in subsection 1, a justice of the peace shall not act in any case except under the direction of a magistrate or the Inspector of Legal Offices.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

This section which is being inserted is taken from *The Magistrates Act* because it deals only with justices of the peace.

BILL

An Act to amend The Justices of the  
Peace Act.

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*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Justices of the Peace Act.

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MR. ROEBUCK

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No. 106

1936

# BILL

An Act to amend The Justices of the Peace Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Justices of the Peace Amendment Act, 1936*.

Rev. Stat.,  
c. 118,  
amended.      **2.** *The Justices of the Peace Act* is amended by adding thereto the following section:

Powers of  
justices  
of the  
peace.      16a.--(1) Any justice of the peace acting within his territorial jurisdiction, may take an information or issue a search warrant or a summons or warrant returnable before a magistrate having jurisdiction to try the case and may hear and determine a prosecution under a by-law of any municipality.

Limitation  
of power.      (2) Save as provided in subsection 1, a justice of the peace shall not act in any case except under the direction of a magistrate or the Inspector of Legal Offices.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Justices of the  
Peace Act.

*1st Reading*

March 25th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

MR. ROEBUCK

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Jurors' Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Jurors' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Jurors' Amendment Act, 1936*.

Rev. Stat.,  
c. 96, s. 3,  
amended.      **2.** Section 3 of *The Jurors' Act* as amended by section 2 of *The Jurors Act, 1929*, is further amended by adding thereto the following subsection:

Exemption  
where  
person  
under  
subpoena.

- (2) Every person who is under subpoena or is likely to be called as a witness in any civil or criminal proceeding shall be exempt from being returned and from serving as a grand or petit juror at any sittings of a court at which such proceeding might be tried, and his name shall not be entered on the rolls prepared and reported by the selectors of jurors for any such sittings and if entered, shall be deleted therefrom.

Rev. Stat.,  
c. 96, s. 44,  
amended.      **3.** Section 44 of *The Jurors' Act* is amended by adding thereto the following subsection:

Re-sum-  
moning  
members  
of grand  
jury.

- (3) Where a grand jury has been discharged, any judge presiding at the sittings of the court for which such grand jury was summoned may, during the continuance of such sittings, upon the request of the Crown attorney or counsel appearing for the Attorney-General, direct the sheriff to res summon the members of such grand jury to re-attend at the sittings at such time as he may determine, and where all of the grand jurors do not appear, the provisions of section 66 shall apply.

Rev. Stat.,  
c. 96,  
amended.      **4.** *The Jurors' Act* is amended by adding thereto the following section:

#### EXPLANATORY NOTES

Section 2. Persons likely to be called as witnesses at a trial are exempt from jury duty at any sittings of the court at which the trial may be brought on.

Section 3. After being discharged the members of a grand jury may be resummoned at any time during the continuance of the sittings of the court for which they have been summoned.

Section 4. Inspections of public institutions by grand juries shall not occur in any county or district more frequently than once in every six months except where the judge specifically consents.

Inspection  
of  
institutions.

44a.—(1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions within the county or district which are maintained in whole or in part by public moneys, and every grand jury which makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected; provided that where such an inspection has been conducted within the county or district within six months prior to the date of the commencement of such sittings, no inspection shall be made without the specific consent of the judge.

Amount of  
time to be  
spent in  
inspection.

(2) The time which may be devoted by a grand jury to the inspection of institutions shall be subject to the control and direction of the presiding judge.

Rev. Stat.,  
c. 96,  
amended.

5. *The Jurors' Act* is further amended by adding thereto the following section:

Release  
of jurors  
by judge.

45a.—(1) The judge presiding at a jury sittings of the Supreme Court, or of the county court, may at any time during the continuance of such sittings release any number of jurors from further service, unless and until resummoned by direction of the judge.

Selection  
of jurors  
to be  
released.

(2) Where any number of jurors are to be released from further service under the provisions of this section, the judge shall, in the presence of the jury panel and in open court, so advise the clerk of the court, who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the jurors whose names appear on such cards shall thereupon be released by the judge.

Trial of  
person  
charged  
with  
indictable  
offence.

(3) Where jurors have been released under the provisions of this section, the trial of any person charged with an indictable offence shall not be commenced at the sittings of the court unless such jurors have been summoned to re-attend at such sittings on or before the date upon which any such trial is commenced, or unless a new panel of jurors has been summoned to attend such sittings returnable on or before such date.

Section 5. Subsection 1 of the new section 45a provides that the judge presiding at a jury sittings of a civil court may release any number of the jurors at any time during the sittings;

Subsection 2 provides the means of selecting the jurors to be released;

Subsection 3 provides that no criminal prosecution shall be commenced at the sittings of a court where jurors have been released until they have been re-summoned unless a new panel of jurors has been summoned.



Fees.

- (4) Where jurors are released under the provisions of this section they shall not be entitled to receive the fees provided by this Act during the period of such release.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Subsection 4 clarifies the matter of remuneration during any period of release.

BILL

An Act to amend The Jurors' Act.

*1st Reading*

March 25th, 1936

*2nd Reading*

*3rd Reading*

MR. ROEBUCK

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Jurors' Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Jurors' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Jurors' Amendment Act, 1936*.

Rev. Stat.,  
c. 96, s. 3,  
amended.      **2.** Section 3 of *The Jurors' Act* as amended by section 2 of *The Jurors Act, 1929*, is further amended by adding thereto the following subsection:

Exemption  
where  
person  
under  
subpoena.

- (2) Every person who is under subpoena or is likely to be called as a witness in any civil or criminal proceeding shall be exempt from being returned and from serving as a grand or petit juror at any sittings of a court at which such proceeding might be tried, and his name shall not be entered on the rolls prepared and reported by the selectors of jurors for any such sittings and if entered, shall be deleted therefrom.

Rev. Stat.,  
c. 96, s. 44,  
amended.      **3.** Section 44 of *The Jurors' Act* is amended by adding thereto the following subsection:

Re-sum-  
moning  
members  
of grand  
jury.

- (3) Where a grand jury has been discharged, any judge presiding at the sittings of the court for which such grand jury was summoned may, during the continuance of such sittings, upon the request of the Crown attorney or counsel appearing for the Attorney-General, direct the sheriff to res summon the members of such grand jury to re-attend at the sittings at such time as he may determine, and where all of the grand jurors do not appear, the provisions of section 66 shall apply.

Rev. Stat.,  
c. 96,  
amended.      **4.** *The Jurors' Act* is amended by adding thereto the following section:

44a.—(1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions within the county or district which are maintained in whole or in part by public moneys, and every grand jury which makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected; provided that where such an inspection has been conducted within the county or district within six months prior to the date of the commencement of such sittings, no inspection shall be made without the specific consent of the judge.

(2) The time which may be devoted by a grand jury to the inspection of institutions shall be subject to the control and direction of the presiding judge.

5. *The Jurors' Act* is further amended by adding thereto the following section:

45a.—(1) The judge presiding at a jury sittings of the Supreme Court, or of the county court, may at any time during the continuance of such sittings release any number of jurors from further service, unless and until resummoned by direction of the judge.

(2) Where any number of jurors are to be released from further service under the provisions of this section, the judge shall, in the presence of the jury panel and in open court, so advise the clerk of the court, who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the jurors whose names appear on such cards shall thereupon be released by the judge.

(3) Where jurors have been released under the provisions of this section, the trial of any person charged with an indictable offence shall not be commenced at the sittings of the court unless such jurors have been summoned to re-attend at such sittings on or before the date upon which any such trial is commenced, or unless a new panel of jurors has been summoned to attend such sittings returnable on or before such date.



Fees.

- (4) Where jurors are released under the provisions of this section they shall not be entitled to receive the fees provided by this Act during the period of such release.

Commence-  
ment of Act.

- 6.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend 'The Jurors' Act.

---

*1st Reading*

March 25th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 3rd, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to confirm Tax Sales.

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MR. CROLL

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# BILL

## An Act to confirm Tax Sales.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Tax Sales Confirmation Act, 1936*.

Tax sales  
and con-  
veyances  
confirmed.

2. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1934, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to a school board of a school section in an unorganized township in respect to the lands so sold, are confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act* purporting to convey the said lands to the purchaser thereof, or his heirs or assigns, or to such municipal corporation or school board, are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested, in the purchaser, or his heirs and assigns, and his or their heirs and assigns, or in the municipal corporation or school board and its successors and assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the said lands were so sold.

Provision  
as to  
easements  
attaching  
to dominant  
tenement.

3.—(1) Where land sold for arrears of taxes was a dominant tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements appurtenant thereto shall be deemed to have passed to the purchaser.

Provision  
as to  
easements  
affecting  
servient  
tenement.

(2) Where land sold for arrears of taxes was a servient tenement at the time of sale and was so sold after the 3rd

#### EXPLANATORY NOTES

In 1931 a general Act was passed which confirmed all tax sales of the municipalities up to the end of 1928. This Bill is of the same character and confirms all tax sales up to the end of 1933.

In addition, by clause 3 of the Bill, the amendments to *The Assessment Act* in 1930 with respect to easements attaching to lands are protected. Such protection was not necessary in the Act of 1931 because the amendment made to *The Assessment Act* did not affect lands sold prior to 1930.

day of April, 1930, the easements to which such land was subject shall not be affected by the sale.

"Easement." (3) For the purposes of this section, a restrictive covenant running with the land shall be deemed to be an easement.

Confirmation of tax arrears vesting certificates (supervised municipalities).  
1932, c. 27.  
1935, c. 16.

4.—(1) All tax arrears vesting certificates registered prior to the 1st day of January, 1935, under, or purporting to be under, the authority of section 109 of *The Ontario Municipal Board Act, 1932* (now section 44 of *The Department of Municipal Affairs Act, 1935*), and the registrations thereof are hereby confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands therein described, and the same are hereby vested, in the corporation of the municipality in which such lands are situate, its successors and assigns, in fee simple or otherwise, according to the nature of the estate or interest of the owners thereof at the time of the said registration, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such registration, or their assigns, and of all charges and encumbrances thereon and dower therein.

Right of redemption continued.  
1935, c. 16.

(2) Notwithstanding that under the provisions of subsection 1, lands in respect to which a tax arrears certificate has been registered have become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such lands to be redeemed as provided in section 45 of *The Department of Municipal Affairs Act, 1935*, and to register a redemption certificate upon such redemption being made.

Pending litigation not affected.

5. Nothing in this Act contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown.

6. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Commencement of Act.

7. This Act shall come into force on the 1st day of October, 1936.

Clause 4 of the Bill is to confirm the registration of tax arrears vesting certificates in the supervised municipalities registered prior to 1935. Tax sales are no longer held in such municipalities.

Subsection 2 of clause 4 protects the right of redemption after the statutory period expires where the Department has approved as it has authority to do under the Department's Act.

Clause 5 is the standard clause for protection of rights under pending litigation.

Clause 6 protects the rights of the Crown.

Clause 7 postpones the time when the Act comes into force so that any disputes now under consideration or claims yet unconsidered may be dealt with before the Act takes effect.







BILL

An Act to confirm Tax Sales.

---

*1st Reading*

March 26th, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to confirm Tax Sales.

---

MR. CROLL

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# BILL

## An Act to confirm Tax Sales.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Tax Sales Confirmation Act, 1936*.

Tax sales  
and con-  
veyances  
confirmed.

**2.** All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1934, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to a school board of a school section in an unorganized township in respect to the lands so sold, are confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act* purporting to convey the said lands to the purchaser thereof, or his heirs or assigns, or to such municipal corporation or school board, are also confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands so sold, and the same are hereby vested, in the purchaser, or his heirs and assigns, and his or their heirs and assigns, or in the municipal corporation or school board and its successors and assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which the said lands were so sold.

Rev. Stat.,  
c. 238.

Provision  
as to  
easements  
attaching  
to dominant  
tenement.

**3.—(1)** Where land sold for arrears of taxes was a dominant tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements appurtenant thereto shall be deemed to have passed to the purchaser.

Provision  
as to  
easements  
affecting  
servient  
tenement.

**(2)** Where land sold for arrears of taxes was a servient tenement at the time of sale and was so sold after the 3rd

day of April, 1930, the easements to which such land was subject shall not be affected by the sale.

(3) For the purposes of this section, a restrictive covenant running with the land shall be deemed to be an easement. <sup>"Easement."</sup>

4.—(1) All tax arrears vesting certificates registered prior to the 1st day of January, 1935, under, or purporting to be under, the authority of section 109 of *The Ontario Municipal Board Act, 1932* (now section 44 of *The Department of Municipal Affairs Act, 1935*), and the registrations thereof are hereby confirmed and declared to be legal, valid and binding and shall have the effect of vesting the lands therein described, and the same are hereby vested, in the corporation of the municipality in which such lands are situate, its successors and assigns, in fee simple or otherwise, according to the nature of the estate or interest of the owners thereof at the time of the said registration, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such registration, or their assigns, and of all charges and encumbrances thereon and dower therein.

Confirmation  
of tax  
arrears  
vesting  
certificates  
(supervised  
municipalities).  
1932, c. 27.  
1935, c. 16.

(2) Notwithstanding that under the provisions of sub-section 1, lands in respect to which a tax arrears certificate has been registered have become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such lands to be redeemed as provided in section 45 of *The Department of Municipal Affairs Act, 1935*, and to register a redemption certificate upon such redemption being made.

Right of  
redemption  
continued.  
1935, c. 16.

5. Nothing in this Act contained shall affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Pending  
litigation  
not affected.

6. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to  
rights of  
Crown.

7. This Act shall come into force on the 1st day of October, 1936.

Commence-  
ment of Act.

BILL

An Act to confirm Tax Sales.

---

*1st Reading*

March 26th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

---

MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Factory, Shop and Office Building Act, 1932.

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MR. CROLL

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# BILL

## An Act to amend The Factory, Shop and Office Building Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1936.*

1932,  
c. 35, s. 12,  
subs. 1,  
amended.      **2.** Subsection 1 of section 12 of *The Factory, Shop and Office Building Act, 1932*, is amended by striking out the words "and shop" in the first and third lines respectively and inserting in lieu thereof the words "shop and restaurant," so that the said subsection shall now read as follows:

Register.      (1) In every factory, shop and restaurant the employer shall keep a register of the youths, young girls and women employed in the factory, shop and restaurant and of their employment, in the prescribed form and shall send to the inspector such extracts from any register kept in pursuance of this Part as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register.

1932,  
c. 35, s. 51,  
re-enacted.      **3.** Section 51 of *The Factory, Shop and Office Building Act, 1932*, is repealed and the following substituted therefor:

"Employer."      51.—(1) In this section,

(a) "Employer" shall mean any person who in his trade or business in personal or household articles gives employment to homeworkers;

(b) "Employment" shall mean and include the performance by a homemaker for wages of any work or service in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any personal or household article or any part thereof;

"Employment."

#### EXPLANATORY NOTES

Section 2. Employers in factories and shops are now required to keep a register of youths, young girls and women they employ. It is desirable to make the same requirement with respect to restaurants and that is the object of the amendment covered by this section of the Bill.

Section 3. The present provisions of the Act in relation to home employment in the garment and clothing trades and in the manufacture of household articles are applicable only in cities of a population of over 50,000, and are incomplete. While these provisions have in the past extended a limited measure of protection for homeworkers in the larger cities, they are insufficient to ensure proper working conditions or wages, nor do they prevent manufacturers or dealers from sending home employment work to points outside the larger cities, and there carrying on conditions which are against the public interest.

Section 51 is primarily aimed at two things, namely, the elimination of the "home sweat-shop" and protection of the public health in respect to articles made in homes which are unsanitary.

The revision of section 51 contained in this Bill extends its provisions to the whole province and embodies a system of permit operation for employers and homeworkers in relation to the manufacture of or other work upon personal and household articles performed in the home for wages which may be either at an hourly or other rate, or by the piece, etc.

Employers and homeworkers are required to obtain permits from the Factory Inspector to carry on employment in garments and articles of attire and in household articles. Power of inspection is given and permits may be cancelled for cause. To ensure proper wages being paid, permits are to be subject to compliance with orders of the Minimum Wage Board.

"Home-  
worker."

- (c) "Homeworker" shall mean and include any person who for wages in his home or elsewhere in premises in his occupation and not occupied by the employer engages in employment in respect to personal or household articles;

"Personal or  
household  
article."

- (d) "Personal or household article" shall mean and include any garment, suit, clothing, wearing apparel or other article of personal dress or attire, and any article of domestic household use, and shall include any materials and substances therefor;

"Wages."  
Rev. Stat.,  
c. 277.

- (e) "Wages" shall mean wages within the meaning of *The Minimum Wage Act*.

Permits for  
employment  
of home-  
workers.

- (2) Every employer who gives employment to homeworkers and every homeworker shall obtain a permit from the inspector, and no employer or homeworker shall give or be engaged in employment in connection with personal or household articles without such a permit.

Applications  
for permits.

- (3) Every employer and homeworker who requires a permit shall apply therefor in writing to the inspector upon the form approved for the purpose by the Minister, and shall furnish such information and proofs as the form may prescribe.

Scope of  
permit.

- (4) Every permit issued by the inspector shall specify the purposes and the scope of authority granted thereby, which may be enlarged at any time by endorsement thereon signed by the inspector.

Forms.

- (5) The applications for permits and the permits to be issued thereunder shall be in two separate forms, the one for employers' permits and the other for homeworkers' permits.

Who may  
obtain  
permit.

- (6) No employer's permit shall be issued to any person unless the inspector is satisfied that he is likely to comply with the provisions of this Act and of *The Minimum Wage Act*, and no homeworker's permit shall be issued to any person unless the inspector is satisfied that he, in respect to health, and his home or other premises, in respect to sanitation, are fit for the purposes of employment in respect to personal or household articles.





Conditions  
of  
employment.

(7) No employer or homeworker shall in respect to personal or household articles,

(a) give or be engaged in employment unless the employer has an employer's permit and the homeworker has a homeworker's permit, and such permits are not cancelled;

(b) give or be engaged in employment beyond the purposes and scope of authority of the permit of the employer or homeworker;

(c) give or be engaged in employment at wages less than those established by The Minimum Wage Board for the employment.

Employer's  
register.

(8) Every employer shall keep a written register open to the inspector and in a form satisfactory to him in which the employer shall record the name, address and permit number of every homeworker to whom he gives employment, particulars of the personal or household articles given to his employment, and the dates and times of such employment and the wages paid therefor.

Inspection  
of register  
and  
premises of  
employer.

(9) The inspector may at any time enter the premises of an employer to inspect the register of homeworkers' employment, and any personal or household article to be given to or which has been returned by a homeworker.

Inspection  
of premises  
of home-  
worker.

(10) The inspector may at any reasonable hour enter the home or other premises of a homeworker to inspect the same and the sanitation thereof, and any personal or household article therein given to him for employment.

Impounding  
articles for  
protection  
of public  
health.

(11) The inspector may at any time seize and impound any personal or household article in the possession of any employer or homeworker, or in the possession of any other person in his trade or business if such article in the opinion of the inspector may affect or be injurious to the public health by reason of some unsanitary condition or communicable disease having existed in the home or other premises of a homeworker while the article was in his employment, and every article so impounded shall forthwith be delivered by the inspector to the local medical officer of health or sanitary inspector for disinfection or destruction.





Disinfection  
or  
destruction  
of  
impounded  
articles.

- (12) The medical officer of health or sanitary inspector to whom any impounded personal or household article is delivered by the inspector shall cause the same to be disinfected and if, in the opinion of the medical officer of health, disinfection may not be sufficient to protect the public health, he may direct that the article be destroyed.

Return of  
articles.

- (13) Any personal or household article which has been impounded and disinfected shall be returned to the person from whose possession it was taken upon payment of the expense of impounding and disinfection, and if any personal or household article is directed by the medical officer of health to be destroyed, no claim for compensation for the destruction or loss of such article shall be made or arise.

Prohibition  
as to sale of  
articles.

- (14) No person shall knowingly sell, expose for sale, or otherwise deal in any personal or household article in respect to which there has been a contravention of this Act or the regulations.

Cancellation  
of permits.

- (15) The inspector may at any time cancel any employer's or homeworke's permit issued hereunder for any contravention of this Act or the regulations, or of *The Minimum Wage Act* or regulations, or order made thereunder, and may cancel a homeworkers' permit if, in his opinion, the health of the homeworke or the state of sanitation of his home or other premises used by him are likely to be injurious to the public health, or if any communicable disease exists in such home or other premises.

1932,  
c. 35, s. 57,  
subs. 1,  
amended.

4. Subsection 1 of section 57 of *The Factory, Shop and Office Building Act, 1932*, is amended by inserting after the word "poisons" in the fourth line the words "or of any dangerous or harmful substances," and by inserting after the word "poisons" in the first line of clause *a* of the said subsection the words "or substances" and by inserting after the word "of" in the third line of clause *c* of the said subsection the words "poisonous, dangerous or," and by inserting after the words "cases of" in the first line of clause *f* of the said subsection the words "affection from dangerous or harmful substances or," so that the said subsection shall now read as follows:

Regulations  
re benzol,  
etc.

- (1) Regulations may be made by the Lieutenant-Governor in Council for the protection of persons engaged in any industrial process involving the use or manufacture of benzol, or of any other poisons

Section 4. Regulations may now be made under section 57 to protect employees against industrial poisoning. It is desirable to extend the scope of the section to cover protection from industrial use of dangerous or harmful substances, and the necessary amendments are included in this section of the Bill.

or of any dangerous or harmful substances or of their preparations or compounds:

- (a) prescribing the conditions under which such poisons or substances may be used or manufactured and the labelling of the containers;
- (b) respecting the posting of printed forms setting forth the dangers and safety precautions;
- (c) requiring manufacturers, distributors and others to provide accurate information regarding the percentage of poisonous, dangerous or harmful constituents;
- (d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;
- (e) respecting the payment of fees for medical examinations;
- (f) respecting the reporting of cases of affection from dangerous or harmful substances or industrial poisoning by employers, doctors and others;
- (g) generally, governing such other matters as may be deemed advisable for the protection of such persons.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Factory, Shop and  
Office Building Act, 1932.

---

*1st Reading*

March 26th, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Factory, Shop and Office Building Act, 1932.

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MR. CROLL

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No. 109

1936

# BILL

## An Act to amend The Factory, Shop and Office Building Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1936.*

1932,  
c. 35, s. 12,  
subs. 1,  
amended. **2.** Subsection 1 of section 12 of *The Factory, Shop and Office Building Act, 1932*, is amended by striking out the words "and shop" in the first and third lines respectively and inserting in lieu thereof the words "shop and restaurant," so that the said subsection shall now read as follows:

Register. (1) In every factory, shop and restaurant the employer shall keep a register of the youths, young girls and women employed in the factory, shop and restaurant and of their employment, in the prescribed form and shall send to the inspector such extracts from any register kept in pursuance of this Part as the inspector from time to time requires for the execution of his duties, and shall permit the inspector at all times to inspect such register.

1932,  
c. 35, s. 51,  
re-enacted. **3.** Section 51 of *The Factory, Shop and Office Building Act, 1932*, is repealed and the following substituted therefor:

Interpreta-  
tion. 51.—(1) In this section,

"Employer." (a) "Employer" shall mean any person who in his trade or business in personal or household articles gives employment to homeworkers;

"Employment." (b) "Employment" shall mean and include the performance by a homemaker for wages of any work or service in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any personal or household article or any part thereof;

- (c) "Homeworker" shall mean and include any <sup>"Home-  
worker."</sup> person who for wages in his home or elsewhere in premises in his occupation and not occupied by the employer engages in employment in respect to personal or household articles;
- (d) "Personal or household article" shall mean <sup>"Personal or  
household  
article."</sup> and include any garment, suit, clothing, wearing apparel or other article of personal dress or attire, and any article of domestic household use, and shall include any materials and substances therefor;
- (e) "Wages" shall mean wages within the meaning <sup>"Wages."  
Rev. Stat.,  
c. 277.</sup> of *The Minimum Wage Act*.
- (2) Every employer who gives employment to home- <sup>Permits for  
employment  
of home-  
workers.</sup> workers and every homeworker shall obtain a permit from the inspector, and no employer or homeworker shall give or be engaged in employment in connection with personal or household articles without such a permit.
- (3) Every employer and homeworker who requires a <sup>Applications  
for permits.</sup> permit shall apply therefor in writing to the inspector upon the form approved for the purpose by the Minister, and shall furnish such information and proofs as the form may prescribe.
- (4) Every permit issued by the inspector shall specify <sup>Scope of  
permit.</sup> the purposes and the scope of authority granted thereby, which may be enlarged at any time by endorsement thereon signed by the inspector.
- (5) The applications for permits and the permits to be <sup>Forms.</sup> issued thereunder shall be in two separate forms, the one for employers' permits and the other for homeworkers' permits.
- (6) No employer's permit shall be issued to any person <sup>Who may  
obtain  
permit.</sup> unless the inspector is satisfied that he is likely to comply with the provisions of this Act and of *The Minimum Wage Act*, and no homeworker's permit shall be issued to any person unless the inspector is satisfied that he, in respect to health, and his home or other premises, in respect to sanitation, are fit for the purposes of employment in respect to personal or household articles.

Conditions  
of  
employment.

(7) No employer or homemaker shall in respect to personal or household articles,

(a) give or be engaged in employment unless the employer has an employer's permit and the homemaker has a homemaker's permit, and such permits are not cancelled;

(b) give or be engaged in employment beyond the purposes and scope of authority of the permit of the employer or homemaker;

(c) give or be engaged in employment at wages less than those established by The Minimum Wage Board for the employment.

Employer's  
register.

(8) Every employer shall keep a written register open to the inspector and in a form satisfactory to him in which the employer shall record the name, address and permit number of every homemaker to whom he gives employment, particulars of the personal or household articles given to his employment, and the dates and times of such employment and the wages paid therefor.

Inspection  
of register  
and  
premises of  
employer.

(9) The inspector may at any time enter the premises of an employer to inspect the register of home-workers' employment, and any personal or household article to be given to or which has been returned by a homemaker.

Inspection  
of premises  
of home-  
worker.

(10) The inspector may at any reasonable hour enter the home or other premises of a homemaker to inspect the same and the sanitation thereof, and any personal or household article therein given to him for employment.

Impounding  
articles for  
protection  
of public  
health.

(11) The inspector may at any time seize and impound any personal or household article in the possession of any employer or homemaker, or in the possession of any other person in his trade or business if such article in the opinion of the inspector may affect or be injurious to the public health by reason of some unsanitary condition or communicable disease having existed in the home or other premises of a homemaker while the article was in his employment, and every article so impounded shall forthwith be delivered by the inspector to the local medical officer of health or sanitary inspector for disinfection or destruction.



- (12) The medical officer of health or sanitary inspector to whom any impounded personal or household article is delivered by the inspector shall cause the same to be disinfected and if, in the opinion of the medical officer of health, disinfection may not be sufficient to protect the public health, he may direct that the article be destroyed. Disinfection or destruction of impounded articles.
- (13) Any personal or household article which has been impounded and disinfected shall be returned to the person from whose possession it was taken upon payment of the expense of impounding and disinfection, and if any personal or household article is directed by the medical officer of health to be destroyed, no claim for compensation for the destruction or loss of such article shall be made or arise. Return of articles.
- (14) No person shall knowingly sell, expose for sale, or otherwise deal in any personal or household article in respect to which there has been a contravention of this Act or the regulations. Prohibition as to sale of articles.
- (15) The inspector may at any time cancel any employer's or homemaker's permit issued hereunder for any contravention of this Act or the regulations, or of *The Minimum Wage Act* or regulations, or order made thereunder, and may cancel a homeworkers' permit if, in his opinion, the health of the homemaker or the state of sanitation of his home or other premises used by him are likely to be injurious to the public health, or if any communicable disease exists in such home or other premises. Cancellation of permits.

4. Subsection 1 of section 57 of *The Factory, Shop and Office Building Act, 1932*, is amended by inserting after the word "poisons" in the fourth line the words "or of any dangerous or harmful substances," and by inserting after the word "poisons" in the first line of clause *a* of the said subsection the words "or substances" and by inserting after the word "of" in the third line of clause *c* of the said subsection the words "poisonous, dangerous or," and by inserting after the words "cases of" in the first line of clause *f* of the said subsection the words "affection from dangerous or harmful substances or," so that the said subsection shall now read as follows: 1932, c. 35, s. 57, subs. 1, amended.

- (1) Regulations may be made by the Lieutenant-Governor in Council for the protection of persons engaged in any industrial process involving the use or manufacture of benzol, or of any other poisons. Regulations re benzol, etc.

or of any dangerous or harmful substances or of their preparations or compounds:

- (a) prescribing the conditions under which such poisons or substances may be used or manufactured and the labelling of the containers;
- (b) respecting the posting of printed forms setting forth the dangers and safety precautions;
- (c) requiring manufacturers, distributors and others to provide accurate information regarding the percentage of poisonous, dangerous or harmful constituents;
- (d) providing for the periodic medical examination by qualified physicians of employees engaged in such industrial processes and the reports to be made of such examinations;
- (e) respecting the payment of fees for medical examinations;
- (f) respecting the reporting of cases of affection from dangerous or harmful substances or industrial poisoning by employers, doctors and others;
- (g) generally, governing such other matters as may be deemed advisable for the protection of such persons.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.





An Act to amend The Factory, Shop and  
Office Building Act, 1932.

---

*1st Reading*

March 26th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Workmen's Compensation Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1936*.

Rev. Stat.,  
c. 179, s. 17,  
amended.      **2.** Section 17 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Agreement  
between  
workman  
and  
employer.      (3) Nothing in this section shall prevent an employer from entering into an agreement with a workman who has become entitled to compensation under the provisions of this Act providing for the employment of such workman on terms approved by the Board.

Rev. Stat.,  
c. 179, s. 43,  
subs. 1,  
amended.      **3.** Subsection 1 of section 43 of *The Workmen's Compensation Act* is amended by striking out the words "but not so as in any case to exceed the rate of \$2,000 per annum," so that the said subsection shall now read as follows:

How  
average  
earnings  
to be  
computed.      (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated.

Commence-  
ment of Act.      **4.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Section 2. The proposed subsection 3 provides that where a partially disabled workman is in receipt of compensation, such compensation or part of it may be paid to the employer in order that it may be repaid to the workman as part of his wages and thus bring the wages up to the standard required by law for the particular class of work. This takes care of the case of a workman whose employer is willing to employ him but who on account of the partial disability of the workman is not willing to pay him according to the standard of wages required to be paid.

Section 3. Subsection 1 of section 43 at present provides how average earnings shall be computed and also provides that they shall not be computed so as in any case to exceed the rate of \$2,000 per annum. The amendment eliminates the \$2,000 limitation.

BILL

An Act to amend The Workmen's  
Compensation Act.

---

*1st Reading*

March 26th, 1936

*2nd Reading*

*3rd Reading*

---

MR. SCHWENGER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Dog Tax and Sheep Protection Act.

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MR. MARSHALL

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No. 111

1936

# BILL

## An Act to amend The Dog Tax and Sheep Protection Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Dog Tax and Stock Protection Amendment Act, 1936*.

Rev. Stat.,  
c. 300;  
1929, c. 78;  
1934, c. 13,  
amended.

Change  
in titles.

**2.** *The Dog Tax and Sheep Protection Act*, being chapter 300 of the Revised Statutes of Ontario, 1927, is amended by striking out the word "*Sheep*" in the title to the said Act and inserting in lieu thereof the word "*Stock*," so that the said title shall now read "*The Dog Tax and Stock Protection Act*;" section 1 of *The Dog Tax and Sheep Protection Act, 1929*, is amended by striking out the word "*Sheep*" and inserting in lieu thereof the word "*Stock*," so that the said Act shall be cited as "*The Dog Tax and Stock Protection Act, 1929*;" section 1 of *The Dog Tax and Sheep Protection Act, 1934*, is amended by striking out the word "*Sheep*" and inserting in lieu thereof the word "*Stock*," so that the said Act shall be cited as "*The Dog Tax and Stock Protection Act, 1934*," and wherever the words "*The Dog Tax and Sheep Protection Act*," "*The Dog Tax and Sheep Protection Act, 1929*," and "*The Dog Tax and Sheep Protection Act, 1934*" occur in the Statutes they shall mean "*The Dog Tax and Stock Protection Act*," "*The Dog Tax and Stock Protection Act, 1929*," and "*The Dog Tax and Stock Protection Act, 1934*" respectively.

Rev. Stat.,  
c. 300 and  
amend-  
ments,  
amended.

**3.** *The Dog Tax and Sheep Protection Act* and amendments thereto are amended by striking out the word "*sheep*" wherever it occurs and inserting in lieu thereof the word "*stock*."

Rev. Stat.,  
c. 300,  
s. 1, cl. b,  
re-enacted.

**4.** Clause *b* of section 1 of *The Dog Tax and Sheep Protection Act* is repealed and the following substituted therefor:

"Stock."

(b) "*Stock*" shall mean and include any horse, head of cattle, sheep, goat, swine, fowl and the young of any of them;

#### EXPLANATORY NOTES

Section 2. The title is being changed in order that it be properly descriptive of the new purview of the Act which includes any horse, head of cattle, sheep, goat, swine, fowl and the young of any of them. Heretofore the Act was confined to sheep.

Section 3. The word "stock" is substituted for the word "sheep" wherever it occurs.

Section 4. "Stock" and "Minister" are defined.

"Minister." (bb) "Minister" shall mean Minister of Agriculture.

Rev. Stat.,  
c. 300, s. 9,  
subs. 1,  
amended.

5. Subsection 1 of section 9 of *The Dog Tax and Sheep Protection Act* is amended by striking out the words "by the sheep valuer or arbitrator" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Liability of  
municipality  
for  
damages  
to stock.

- (1) Whether the owner of any dog killing or injuring stock is known or not the municipality in which the stock were killed or injured shall be liable to the owner of the stock for the amount of damage ascertained as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the stock were killed or injured by a dog but not by a dog owned by him.

Rev. Stat.,  
c. 300, s. 10,  
re-enacted.

6. Section 10 of *The Dog Tax and Sheep Protection Act* is repealed and the following substituted therefor:

Appoint-  
ment of  
stock  
valuers.

- 10.—(1) The council of every local municipality shall appoint one or more competent persons as stock valuers.

Duty of  
stock  
valuers.

- (2) Within forty-eight hours after it is discovered by the owner that his stock has been killed or injured he shall notify a stock valuer for the municipality in which the stock is killed or injured or the clerk of such municipality who shall forthwith notify a stock valuer, and the valuer so notified shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage done and he shall at the same time forward a copy of such report to the owner of the stock.

When  
carcass  
not to be  
destroyed.

- (3) The carcass of the stock shall not be destroyed until it has been seen by the valuer for the municipality.

Appeal to  
Minister.

- (4) If the owner of the stock, or the council, is dissatisfied with the report of the valuer for the municipality an appeal may be had to the Minister who may name a valuer to make a further investigation and the report of such valuer shall be final and conclusive as to the extent and amount of the damage done.

Time for  
appeal.

- (5) Such appeal shall be made within thirty days after the making of the report by the valuer for the municipality and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer for the municipality is sustained.

Sections 5 and 6 provide for the appointment of a valuer by the Minister in cases where the municipality has failed to appoint one.

Provision is also made for an appeal from the decision of a municipal valuer to a valuer to be named by the Minister which will simplify and reduce the cost of appeal. Heretofore the appeal was to an arbitrator, which did not prove satisfactory.

Naming  
of valuer  
where no  
stock  
valuers  
appointed.

- (6) If no stock valuer has been appointed by the council or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister on the application of the owner of the stock may name a valuer to make investigation and the report made by such valuer shall be final and conclusive as to the extent and amount of damage done, and the municipality in addition to its liability to the owner of the stock as provided by section 9, shall forthwith pay to the Minister the cost of such valuation as fixed by him.

Report of  
valuer  
appointed  
by  
Minister.

- (7) The report of the valuer appointed by the Minister shall be made to the Minister and the Minister shall forward a copy of such report to the clerk of the municipality and to the owner of the stock.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Dog Tax and  
Sheep Protection Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Dog Tax and Sheep Protection Act.

---

MR. MARSHALL

---

No. 111

1936

# BILL

## An Act to amend The Dog Tax and Sheep Protection Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Dog Tax and Live Stock Protection Amendment Act, 1936*.

Rev. Stat.,  
c. 300;  
1929, c. 78;  
1934, c. 13,  
amended.

2. *The Dog Tax and Sheep Protection Act*, being chapter 300 of the Revised Statutes of Ontario, 1927, is amended by striking out the word "*Sheep*" in the title to the said Act and inserting in lieu thereof the words "*Live Stock*," so that the said title shall now read "*The Dog Tax and Live Stock Protection Act*;" section 1 of *The Dog Tax and Sheep Protection Act, 1929*, is amended by striking out the word "*Sheep*" and inserting in lieu thereof the words "*Live Stock*," so that the said Act shall be cited as "*The Dog Tax and Live Stock Protection Act, 1929*;" section 1 of *The Dog Tax and Sheep Protection Act, 1934*, is amended by striking out the word "*Sheep*" and inserting in lieu thereof the words "*Live Stock*," so that the said Act shall be cited as "*The Dog Tax and Live Stock Protection Act, 1934*," and wherever the words "*The Dog Tax and Sheep Protection Act*," "*The Dog Tax and Sheep Protection Act, 1929*," and "*The Dog Tax and Sheep Protection Act, 1934*," occur in the Statutes they shall mean "*The Dog Tax and Live Stock Protection Act*," "*The Dog Tax and Live Stock Protection Act, 1929*," and "*The Dog Tax and Live Stock Protection Act, 1934*," respectively.

Change  
in titles.

Rev. Stat.,  
c. 300 and  
amend-  
ments,  
amended.

3. *The Dog Tax and Sheep Protection Act* and amendments thereto are amended by striking out the word "*sheep*" wherever it occurs and inserting in lieu thereof the words "*live stock*."

Rev. Stat.,  
c. 300,  
s. 1, cl. b,  
re-enacted.

4. Clause *b* of section 1 of *The Dog Tax and Sheep Protection Act* is repealed and the following substituted therefor:

"Live  
stock."

(b) "*Live Stock*" shall mean and include any head of cattle or sheep, and the young of either of them;

(bb) "Minister" shall mean Minister of Agriculture.

"Minister."

5. Subsection 1 of section 9 of *The Dog Tax and Sheep Protection Act* is amended by striking out the words "by the sheep valuer or arbitrator" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 300, s. 9,  
subs. 1,  
amended.

- (1) Whether the owner of any dog killing or injuring live stock is known or not the municipality in which the live stock were killed or injured shall be liable to the owner of the live stock for the amount of damage ascertained as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the live stock were killed or injured by a dog but not by a dog owned by him.

Liability of  
municipality  
for  
damages  
to live stock.

6. Section 10 of *The Dog Tax and Sheep Protection Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 300, s. 10,  
re-enacted.

- 10.—(1) The council of every local municipality shall appoint one or more competent persons as live stock valuers.
- (2) Within forty-eight hours after it is discovered by the owner that his live stock has been killed or injured he shall notify a live stock valuer for the municipality in which the live stock is killed or injured or the clerk of such municipality who shall forthwith notify a live stock valuer, and the valuer so notified shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage done and he shall at the same time forward a copy of such report to the owner of the live stock.
- (3) The carcass of the live stock shall not be destroyed until it has been seen by the valuer for the municipality.
- (4) If the owner of the live stock, or the council, is dissatisfied with the report of the valuer for the municipality an appeal may be had to the Minister who may name a valuer to make a further investigation and the report of such valuer shall be final and conclusive as to the extent and amount of the damage done.
- (5) Such appeal shall be made within thirty days after the making of the report by the valuer for the municipi-

Appoint-  
ment of  
live stock  
valuers.

Duty of  
live stock  
valuers.

When  
carcass  
not to be  
destroyed.

Appeal to  
Minister.

Time for  
appeal.

pality and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer for the municipality is sustained.

Naming  
of valuer  
where no  
live stock  
valuers  
appointed.

- (6) If no live stock valuer has been appointed by the council or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister on the application of the owner of the live stock may name a valuer to make investigation and the report made by such valuer shall be final and conclusive as to the extent and amount of damage done, and the municipality in addition to its liability to the owner of the live stock as provided by section 9, shall forthwith pay to the Minister the cost of such valuation as fixed by him.

Report of  
valuer  
appointed  
by  
Minister.

- (7) The report of the valuer appointed by the Minister shall be made to the Minister and the Minister shall forward a copy of such report to the clerk of the municipality and to the owner of the live stock.

Commence-  
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Dog Tax and  
Sheep Protection Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

---

Mr. MARSHALL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Railway Act.

---

MR. MURPHY

---

# BILL

## An Act to amend The Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Railway Amendment Act, 1936*.

Rev. Stat.,  
c. 224, s. 257,  
amended.     **2.** Section 257 of *The Railway Act* is amended by striking out all the words after the word "conductor" in the third line so that the said section shall now read as follows:

One man  
cars  
prohibited.     **257.** No street railway car or electric railway car, when engaged in carrying passengers, shall be operated with one man performing the duties of both motor-man and conductor.

Commence-  
ment of Act.     **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of this amendment is to provide that a street railway car or an electric railway car engaged in carrying passengers shall have a crew of at least two men.



BILL

An Act to amend The Railway Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

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MR. MURPHY

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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**BILL**

**An Act respecting the Dairy Industry.**

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MR. MARSHALL

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No. 113

1936

# BILL

An Act respecting the Dairy Industry.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Dairy Industry (Ontario) Act, 1936*.

Dominion enactments given force of law in Province.

**2.** Every provision of *the Dairy Industry Act* of the Dominion, being Chapter 45 of The Revised Statutes of Canada, 1927, and the amendments thereto, and the regulations thereunder heretofore enacted or made, so far as it is within the legislative competence of the Province and outside that of the Dominion, shall have the force of law in the Province as if enacted by the Legislature, until it is repealed by the Parliament of the Dominion or revoked by the Governor-General in Council, as the case may be, or until otherwise enacted by the Legislature or directed by the Lieutenant-Governor in Council pursuant to section 4.

Power to proclaim future amendments and regulations in force in Province.

**3.** The Lieutenant-Governor in Council may by Proclamation declare that the provisions of any amendment hereafter enacted to the said *Dairy Industry Act* and any regulations thereunder hereafter made, so far as those provisions are within the legislative competence of the Province and outside that of the Dominion, shall have the force of law in the Province as if enacted by the Legislature, whereupon those provisions as so declared shall have the force of law in the Province, until they are repealed by the Parliament of the Dominion or revoked by the Governor-General in Council, as the case may be, or until otherwise enacted by the Legislature or directed by the Lieutenant-Governor in Council pursuant to section 4.

Power to repeal by proclamation.

**4.** The Lieutenant-Governor in Council may from time to time by Proclamation direct that any provision which is given the force of law in the Province by or under this Act

#### EXPLANATORY NOTES

Section 2. This section enacts that the Dominion *Dairy Industry Act* with amendments and the regulations made thereunder are in force in Ontario.

Section 3. The Lieutenant-Governor in Council may declare any Dominion amendments or regulations to the Act hereafter made to be in force in Ontario.

Section 4. The Lieutenant-Governor in Council may at any time declare that any provision which is given the force of law in Ontario by this Act shall cease to have the force of law in Ontario.

shall cease to have the force of law in the Province, and thereupon that provision shall cease to have the force of law accordingly.

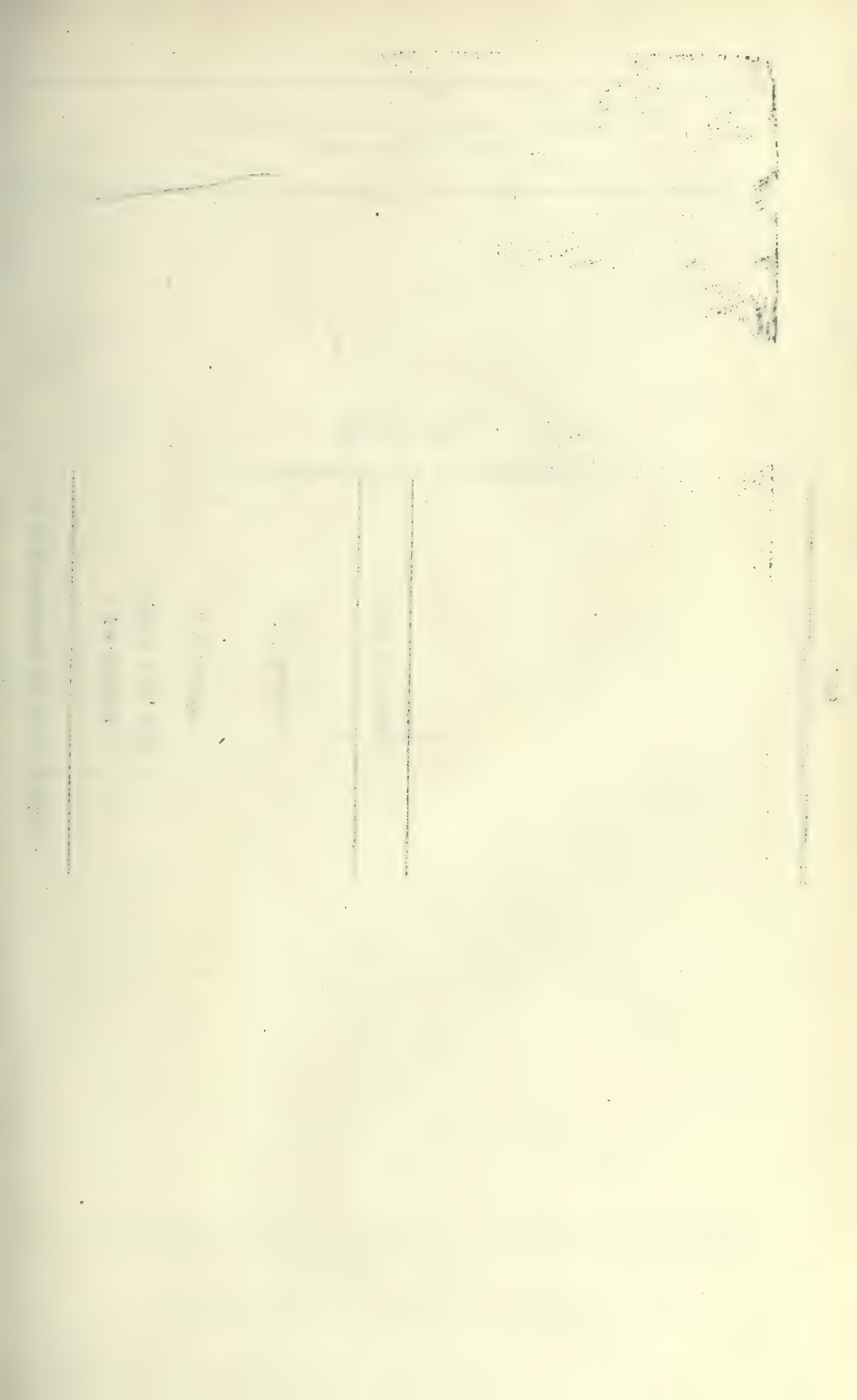
Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting the Dairy Industry.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Dairy Industry.

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Mr. MARSHALL

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# BILL

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Short title.

**1.** This Act may be cited as *The Dairy Industry (Ontario) Act, 1936*.

Dominion enactments given force of law in Province.

**2.** Every provision of *the Dairy Industry Act* of the Dominion, being Chapter 45 of The Revised Statutes of Canada, 1927, and the amendments thereto, and the regulations thereunder heretofore enacted or made, so far as it is within the legislative competence of the Province and outside that of the Dominion, shall have the force of law in the Province as if enacted by the Legislature, until it is repealed by the Parliament of the Dominion or revoked by the Governor-General in Council, as the case may be, or until otherwise enacted by the Legislature or directed by the Lieutenant-Governor in Council pursuant to section 4.

Power to proclaim future amendments and regulations in force in Province.

**3.** The Lieutenant-Governor in Council may by Proclamation declare that the provisions of any amendment hereafter enacted to the said *Dairy Industry Act* and any regulations thereunder hereafter made, so far as those provisions are within the legislative competence of the Province and outside that of the Dominion, shall have the force of law in the Province as if enacted by the Legislature, whereupon those provisions as so declared shall have the force of law in the Province, until they are repealed by the Parliament of the Dominion or revoked by the Governor-General in Council, as the case may be, or until otherwise enacted by the Legislature or directed by the Lieutenant-Governor in Council pursuant to section 4.

Power to repeal by proclamation.

**4.** The Lieutenant-Governor in Council may from time to time by Proclamation direct that any provision which is given the force of law in the Province by or under this Act

shall cease to have the force of law in the Province, and thereupon that provision shall cease to have the force of law accordingly.

5. This Act shall come into force on the day upon which <sup>Commence-</sup>  
it receives the Royal Assent. <sub>ment of Act.</sub>



# BILL

An Act respecting the Dairy Industry.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 3rd, 1936

---

MR. MARSHALL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Branding of Live Stock Act.

---

MR. MARSHALL

---

No. 114

1936

# BILL

An Act to amend The Branding of Live Stock Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Branding of Live Stock Amendment Act, 1936*.

Rev. Stat.,  
c. 305, s. 1,  
cl. b,  
amended.

**2.** Clause *b* of section 1 of *The Branding of Live Stock Act* is amended by striking out the word "and" in the second line, and by inserting at the end of the said clause the words "and fowl," so that the said clause shall now read as follows:

"Stock."

(*b*) "Stock" shall mean and include any horse, head of cattle, sheep and fowl.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to extend the Act to include fowl, in order that brands of fowl may be recorded.

BILL

An Act to amend The Branding of  
Live Stock Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Branding of Live Stock Act.

---

MR. MARSHALL

---



No. 114

1936

# BILL

An Act to amend The Branding of Live Stock Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Branding of Live Stock Amendment Act, 1936*.

Rev. Stat.,  
c. 305, s. 1,  
cl. b,  
amended.      **2.** Clause *b* of section 1 of *The Branding of Live Stock Act* is amended by inserting before the word "stock" in the first line the word "Live," by striking out the word "and" in the second line, and by inserting at the end of the said clause the words "and fowl," so that the said clause shall now read as follows:

"Live  
Stock."      (b) "Live Stock" shall mean and include any horse, head of cattle, sheep and fowl.

Rev. Stat.,  
c. 305, s. 2,  
subs. 1,  
re-enacted.      **3.** Subsection 1 of section 2 of *The Branding of Live Stock Act* is repealed and the following substituted therefor:

Branding  
of live  
stock.      (1) No person shall brand any live stock except with a brand allotted by the Minister and to which he is entitled under this Act.

Recording  
brand.      (1a) Every such brand shall be recorded as in this Act provided and the fees payable shall be those set out in the schedule to this Act.

Rev. Stat.,  
c. 305, s. 7,  
amended.      **4.** Section 7 of *The Branding of Live Stock Act* is amended by inserting the word "live" before the word "stock" wherever it occurs in the said section and by inserting therein the following clause:

(d) brands or causes to be branded any live stock with an unrecorded brand;

so that the said section shall now read as follows:

Offences.      **7.** Every person who,—

- (a) improperly and wrongfully brands or causes to be branded any live stock with a brand which has been recorded as required by this Act or the regulations, and which has not been cancelled thereunder; or
- (b) brands or causes to be branded with his own brand any live stock of which he is not the owner without the authority of the owner;
- (c) defaces, obliterates or otherwise renders illegible, or causes to be defaced, obliterated or otherwise rendered illegible any brand upon live stock;
- (d) brands or causes to be branded any live stock with an unrecorded brand;

shall be guilty of an offence and shall incur a penalty not exceeding \$200, recoverable under *The Summary Convictions Act*. Recovery of penalties.  
Rev. Stat.,  
c. 121.

5. The schedule to *The Branding of Live Stock Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 305,  
sched.  
re-enacted.

## SCHEDULE.

### TARIFF OF FEES

On application for allotment of a brand for a period of 3 years . . .	\$1.00
On application for renewal of an allotment of a brand for a further period of 3 years . . . . .	1.00
On application for change in the record of a brand . . . . .	.50
On every transfer of a recorded brand . . . . .	.50
For every search of a brand record . . . . .	.50
For every certified extract from the brand recorded . . . . .	.50

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

BILL

An Act to amend The Branding of  
Live Stock Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 8th, 1936

---

MR. MARSHALL

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No. 115

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Co-operative Marketing Loan Act, 1932.

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MR. MARSHALL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 115

1936

# BILL

## An Act to amend The Co-operative Marketing Loan Act, 1932.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1936*.

1932,  
c. 16, s. 2,  
amended.      **2.** Section 2 of *The Co-operative Marketing Loan Act, 1932*, is amended by adding thereto the following clause:

"Treasurer."      (d) "Treasurer" shall mean Treasurer of the Province of Ontario.

1932,  
c. 16, s. 5,  
subs. 3,  
amended.      **3.** Subsection 3 of section 5 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the word "five" in the fifth line and inserting in lieu thereof the word "ten" and by striking out the word "ten" in the sixth line and inserting in lieu thereof the word "twenty," so that the said subsection shall now read as follows:

Repayment  
of loan.      (3) A loan may be repaid at any time at the option of the co-operative association, but repayment of principal thereof shall be commenced not more than three years from the date of the loan and so that at least fifty per centum shall be repaid at the end of ten years from such date and so that the whole of the loan shall be repaid at the end of twenty years from such date, and every contract shall make the necessary provisions to ensure such repayment.

1932,  
c. 16, s. 6,  
repealed.      **4.** Section 6 of *The Co-operative Marketing Loan Act, 1932*, is repealed.

1932,  
c. 16, s. 7,  
re-enacted.      **5.** Section 7 of *The Co-operative Marketing Loan Act, 1932*, as amended by section 4 of *The Co-operative Marketing Loan Amendment Act, 1935*, is repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Section 2. "Treasurer" is defined to mean Treasurer of the Province of Ontario.

Section 3. The period of repayment of loans made under this Act is extended.

Section 4. Section 6 of the Act is repealed as the provisions therein contained are covered by section 7 of the Act as re-enacted by section 5 of the Bill.

Section 5. Section 7 of the Act is re-drafted and the rights and powers formerly conferred on and exercisable by the Agricultural Development Board are now conferred upon and exercisable by the Treasurer.



Security  
for loan on  
chattel.

Rev. Stat.,  
c. 164.

7.—(1) Every loan made on a chattel shall be secured by a chattel mortgage made in favour of the Treasurer and made in accordance with *The Bills of Sale and Chattel Mortgage Act*.

Security  
for loan  
on real  
estate.  
Rev. Stat.,  
c. 145.

(2) Every loan made on real estate shall be secured by a first mortgage on such real estate made in favour of the Treasurer in accordance with *The Short Forms of Mortgages Act*.

Rights and  
powers of  
Treasurer.

(3) Every mortgage, whether on real estate or a chattel, may contain such further covenants, provisoes and conditions as the Treasurer may deem proper, and the Treasurer shall have and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act that a mortgagee has and may exercise under the laws of the Province of Ontario.

Preparation  
of notices,  
mortgages,  
etc.

(4) All notices, mortgages, discharges and other documents of every kind and description which may be made under this Act, except any contract made with the Minister, shall be prepared by a person designated by the Treasurer.

Assignment  
of mortgage.

(5) Every mortgage, whether on real estate or a chattel, heretofore given as security for a loan made under this Act may be assigned by the Minister, the Agricultural Development Board or the Commissioner of Agricultural Loans to the Treasurer.

1932, c. 16,  
ss. 9-12,  
amended.

6. Sections 9 to 12 of *The Co-operative Marketing Loan Act, 1932*, are amended by striking out the word "Minister" wherever it occurs in the said sections and inserting in lieu thereof the word "Treasurer."

1932,  
c. 16, s. 13,  
re-enacted.

7. Section 13 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Default  
in per-  
formance  
or breach  
of pro-  
visions.

13. If a co-operative association to which a loan has been made makes any default in the performance of the terms of the contract entered into with the Minister or otherwise commits a breach of any of the provisions of this Act, or in the opinion of the Treasurer, fails or ceases to carry out its objects, the Treasurer may without resort to proceedings in equity or law rescind the contract and without notice, exercise any and all of his powers of sale as mortgagee as in the case of default on the part of a mortgagor notwithstanding that no actual default in

Section 6. The powers and duties conferred and imposed by sections 9 to 12 of the Act are by the amendment conferred and imposed on the Treasurer in the place and stead of the Minister of Agriculture.

Section 7. In the event of default in the performance of the terms of any contract entered into with the Minister, or of a breach of any of the provisions of this Act, the powers formerly held by the Minister and the Agricultural Development Board are transferred to the Treasurer.

payment of principal or interest under the mortgage may have occurred.

1932,  
c. 16, s. 14,  
amended.

8. Section 14 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the words "upon the recommendation of the Minister" in the first and second lines, and by inserting after the word "Minister" in the second line of clause *e* the words "or Treasurer," so that the first two lines of the said section and clause *e* shall now read as follows:

Regula-  
tions.

14. The Lieutenant-Governor in Council may make regulations,—

(*e*) with respect to any other matter regarding which the Minister or Treasurer deems regulations necessary for the execution of the purposes of this Act.

1932,  
c. 16, s. 16*a*  
(1934,  
c. 7, s. 2),  
amended.

9. Section 16*a* of *The Co-operative Marketing Loan Act, 1932*, as enacted by section 2 of *The Co-operative Marketing Loan Act, 1934*, is amended by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Treasurer."

Commence-  
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 8. This amendment provides that the Lieutenant-Governor in Council may make regulations upon the recommendation of the Treasurer as well as upon the recommendation of the Minister.

Section 9. The amendment authorizes the Treasurer instead of the Minister, to sign any guarantee approved by the Lieutenant-Governor in Council.

BILL

An Act to amend The Co-operative  
Marketing Loan Act, 1932.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

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No. 115

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Co-operative Marketing Loan Act, 1932.

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MR. MARSHALL

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TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Co-operative Marketing Loan Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1936.*

1932, c. 16,  
s. 2, cl. a  
amended. **2.**—(1) Clause *a* of section 2 of *The Co-operative Marketing Loan Act, 1932*, is amended by inserting after the word “storing” in the fourth line the word “drying,” so that the said clause shall now read as follows:

“Co-  
operative  
association.”

Rev. Stat.,  
c. 218.

(a) “Co-operative association” shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing, drying or marketing agricultural products;

1932,  
c. 16, s. 2,  
amended. (2) The said section 2 is further amended by adding thereto the following clause:

“Treasurer.” (d) “Treasurer” shall mean Treasurer of the Province of Ontario.

1932,  
c. 16, s. 4,  
cl. a,  
amended. **3.** Clause *a* of section 4 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the symbol and figures “\$2,500” in the third line and substituting therefor the symbol and figures “\$5,000” so that the said clause shall now read as follows:

(a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$5,000;

1932,  
c. 16, s. 5,  
subs. 3,  
amended. **4.** Subsection 3 of section 5 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the word “five” in the fifth line and inserting in lieu thereof the word “ten” and by striking out the word “ten” in the sixth line and inserting in lieu thereof the word “twenty,” so that the said subsection shall now read as follows:

#### EXPLANATORY NOTES

Section 2.—(1) The definition of "Co-operative association" is extended to cover the drying of agricultural products.

(2) "Treasurer" is defined to mean Treasurer of the Province of Ontario.

Section 3. The amount of the loan which may be made to certain co-operative associations is increased from \$2,500 to \$5,000.

Section 4. The period of repayment of loans made under this Act is extended.

Repayment  
of loan.

- (3) A loan may be repaid at any time at the option of the co-operative association, but repayment of principal thereof shall be commenced not more than three years from the date of the loan and so that at least fifty per centum shall be repaid at the end of ten years from such date and so that the whole of the loan shall be repaid at the end of twenty years from such date, and every contract shall make the necessary provisions to ensure such repayment.

1932,  
c. 16, s. 6,  
repealed.

5. Section 6 of *The Co-operative Marketing Loan Act, 1932*, is repealed.

1932,  
c. 16, s. 7,  
re-enacted.

6. Section 7 of *The Co-operative Marketing Loan Act, 1932*, as amended by section 4 of *The Co-operative Marketing Loan Amendment Act, 1935*, is repealed and the following substituted therefor:

Security  
for loan on  
chattel.

Rev. Stat.,  
c. 164.

- 7.—(1) Every loan made on a chattel shall be secured by a chattel mortgage made in favour of the Treasurer and made in accordance with *The Bills of Sale and Chattel Mortgage Act*.

Security  
for loan  
on real  
estate.  
Rev. Stat.,  
c. 145.

- (2) Every loan made on real estate shall be secured by a first mortgage on such real estate made in favour of the Treasurer in accordance with *The Short Forms of Mortgages Act*.

Rights and  
powers of  
Treasurer.

- (3) Every mortgage, whether on real estate or a chattel, may contain such further covenants, provisoes and conditions as the Treasurer may deem proper, and the Treasurer shall have and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act that a mortgagee has and may exercise under the laws of the Province of Ontario.

Preparation  
of notices,  
mortgages,  
etc.

- (4) All notices, mortgages, discharges and other documents of every kind and description which may be made under this Act, except any contract made with the Minister, shall be prepared by a person designated by the Treasurer.

Assignment  
of mortgage.

- (5) Every mortgage, whether on real estate or a chattel, heretofore given as security for a loan made under this Act may be assigned by the Minister, the Agricultural Development Board or the Commissioner of Agricultural Loans to the Treasurer.

1932, c. 16,  
ss. 9-12,  
amended.

7. Sections 9 to 12 of *The Co-operative Marketing Loan Act, 1932*, are amended by striking out the word "Minister" wherever it occurs in the said sections and inserting in lieu thereof the word "Treasurer."

Section 5. Section 6 of the Act is repealed as the provisions therein contained are covered by section 7 of the Act as re-enacted by section 5 of the Bill.

Section 6. Section 7 of the Act is re-drafted and the rights and powers formerly conferred on and exercisable by the Agricultural Development Board are now conferred upon and exercisable by the Treasurer.

Section 7. The powers and duties conferred and imposed by sections 9 to 12 of the Act are by the amendment conferred and imposed on the Treasurer in the place and stead of the Minister of Agriculture.



1932,  
c. 16, s. 13,  
re-enacted.

8. Section 13 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Default  
in per-  
formance  
or breach  
of pro-  
visions.

13. If a co-operative association to which a loan has been made makes any default in the performance of the terms of the contract entered into with the Minister or otherwise commits a breach of any of the provisions of this Act, or in the opinion of the Treasurer, fails or ceases to carry out its objects, the Treasurer may without resort to proceedings in equity or law rescind the contract and without notice, exercise any and all of his powers of sale as mortgagee as in the case of default on the part of a mortgagor notwithstanding that no actual default in payment of principal or interest under the mortgage may have occurred.

1932,  
c. 16, s. 14,  
amended.

9. Section 14 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the words "upon the recommendation of the Minister" in the first and second lines, and by inserting after the word "Minister" in the second line of clause *e* the words "or Treasurer," so that the first two lines of the said section and clause *e* shall now read as follows:

14. The Lieutenant-Governor in Council may make regulations,—

Regula-  
tions.

- (*e*) with respect to any other matter regarding which the Minister or Treasurer deems regulations necessary for the execution of the purposes of this Act.

1932,  
c. 16, s. 16a  
(1934,  
c. 7, s. 2),  
amended.

10. Section 16a of *The Co-operative Marketing Loan Act, 1932*, as enacted by section 2 of *The Co-operative Marketing Loan Act, 1934*, is amended by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Treasurer."

Commence-  
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 8. In the event of default in the performance of the terms of any contract entered into with the Minister, or of a breach of any of the provisions of this Act, the powers formerly held by the Minister and the Agricultural Development Board are transferred to the Treasurer.

Section 9. This amendment provides that the Lieutenant-Governor in Council may make regulations upon the recommendation of the Treasurer as well as upon the recommendation of the Minister.

Section 10. The amendment authorizes the Treasurer instead of the Minister, to sign any guarantee approved by the Lieutenant-Governor in Council.



BILL

An Act to amend The Co-operative  
Marketing Loan Act, 1932.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

---

MR. MARSHALL

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(Reprinted as amended by the Committee of  
the Whole House).

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Co-operative Marketing Loan Act, 1932.

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MR. MARSHALL

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# BILL

## An Act to amend The Co-operative Marketing Loan Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1936*.

1932, c. 16,  
s. 2, cl. a  
amended. **2.**—(1) Clause *a* of section 2 of *The Co-operative Marketing Loan Act, 1932*, is amended by inserting after the word “storing” in the fourth line the word “drying,” so that the said clause shall now read as follows:

“Co-operative association,”  
Rev. Stat.,  
c. 218. (a) “Co-operative association” shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing, drying or marketing agricultural products;

1932,  
c. 16, s. 2,  
amended. (2) The said section 2 is further amended by adding thereto the following clause:

“Treasurer.” (d) “Treasurer” shall mean Treasurer of the Province of Ontario.

1932,  
c. 16, s. 4,  
cl. a,  
amended. **3.** Clause *a* of section 4 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the symbol and figures “\$2,500” in the third line and inserting in lieu thereof the symbol and figures “\$5,000” so that the said clause shall now read as follows:

Limitation  
as to loan. (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$5,000;

1932,  
c. 16, s. 5,  
subs. 3,  
amended. **4.** Subsection 3 of section 5 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the word “five” in the fifth line and inserting in lieu thereof the word “ten” and by striking out the word “ten” in the sixth line and inserting in lieu thereof the word “twenty,” so that the said subsection shall now read as follows:

- (3) A loan may be repaid at any time at the option of the co-operative association, but repayment of principal thereof shall be commenced not more than three years from the date of the loan and so that at least fifty per centum shall be repaid at the end of ten years from such date and so that the whole of the loan shall be repaid at the end of twenty years from such date, and every contract shall make the necessary provisions to ensure such repayment. Repayment of loan.

5. Section 6 of *The Co-operative Marketing Loan Act, 1932*, 1932, c. 16, s. 6, repealed. is repealed.

6. Section 7 of *The Co-operative Marketing Loan Act, 1932*, 1932, c. 16, s. 7, re-enacted. as amended by section 4 of *The Co-operative Marketing Loan Amendment Act, 1935*, is repealed and the following substituted therefor:

- 7.—(1) Every loan made on a chattel shall be secured by a chattel mortgage made in favour of the Treasurer and made in accordance with *The Bills of Sale and Chattel Mortgage Act*. Security for loan on chattel. Rev. Stat., c. 164.
- (2) Every loan made on real estate shall be secured by a first mortgage on such real estate made in favour of the Treasurer in accordance with *The Short Forms of Mortgages Act*. Security for loan on real estate. Rev. Stat., c. 145.
- (3) Every mortgage, whether on real estate or a chattel, may contain such further covenants, provisoes and conditions as the Treasurer may deem proper, and the Treasurer shall have and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act that a mortgagee has and may exercise under the laws of the Province of Ontario. Rights and powers of Treasurer.
- (4) All notices, mortgages, discharges and other documents of every kind and description which may be made under this Act, except any contract made with the Minister, shall be prepared by a person designated by the Treasurer. Preparation of notices, mortgages, etc.
- (5) Every mortgage, whether on real estate or a chattel, heretofore given as security for a loan made under this Act may be assigned by the Minister, the Agricultural Development Board or the Commissioner of Agricultural Loans to the Treasurer. Assignment of mortgage.

7. Sections 9 to 12 of *The Co-operative Marketing Loan Act, 1932*, are amended by striking out the word "Minister" 1932, c. 16 ss. 9-12, amended. wherever it occurs in the said sections and inserting in lieu thereof the word "Treasurer."



1932,  
c. 16, s. 13,  
re-enacted.

8. Section 13 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Default  
in per-  
formance  
or breach  
of pro-  
visions.

13. If a co-operative association to which a loan has been made makes any default in the performance of the terms of the contract entered into with the Minister or otherwise commits a breach of any of the provisions of this Act, or in the opinion of the Treasurer, fails or ceases to carry out its objects, the Treasurer may without resort to proceedings in equity or law rescind the contract and without notice, exercise any and all of his powers of sale as mortgagee as in the case of default on the part of a mortgagor notwithstanding that no actual default in payment of principal or interest under the mortgage may have occurred.

1932,  
c. 16, s. 14,  
amended.

9. Section 14 of *The Co-operative Marketing Loan Act, 1932*, is amended by striking out the words "upon the recommendation of the Minister" in the first and second lines, and by inserting after the word "Minister" in the second line of clause *e* the words "or Treasurer," so that the first two lines of the said section and clause *e* shall now read as follows:

Regula-  
tions.

14. The Lieutenant-Governor in Council may make regulations,—

(*e*) with respect to any other matter regarding which the Minister or Treasurer deems regulations necessary for the execution of the purposes of this Act.

1932,  
c. 16, s. 16a  
(1934,  
c. 7, s. 2),  
amended.

10. Section 16a of *The Co-operative Marketing Loan Act, 1932*, as enacted by section 2 of *The Co-operative Marketing Loan Act, 1934*, is amended by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Treasurer."

Commence-  
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Co-operative  
Marketing Loan Act, 1932.

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*1st Reading*

March 27th, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 6th, 1936

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MR. MARSHALL

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No. 116

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Companies Act.

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MR. ROEBUCK

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TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1936

# BILL

## An Act to amend The Companies Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Companies Amendment Act, 1936*.

Rev. Stat.,  
c. 218,  
amended.

2. *The Companies Act* is amended by adding thereto the following section:

Amalgama-  
tion, etc.,  
of mutual  
corporation  
and  
joint stock  
corporation.

244a.—(1) Subject to the provisions of *The Insurance Act* a mutual corporation incorporated under the law of Ontario transacting life insurance may amalgamate with or transfer its contracts to or reinsure such contracts with any licensed insurer transacting life insurance and may enter into all agreements necessary to such amalgamation, transfer or reinsurance.

(2) Notwithstanding anything contained in its Act or instrument of incorporation or its constitution and by-laws, the board of directors may enter into any such agreement on behalf of the mutual corporation through its president and secretary; provided that no such agreement shall be binding or effective unless and until evidence satisfactory to the Superintendent of Insurance is produced showing that the agreement has been confirmed by a vote of the majority of the members present or duly represented by proxy at a general or special general meeting of the mutual corporation and unless and until the agreement has been approved by the Lieutenant-Governor in Council pursuant to the provisions of *The Insurance Act*.

Rev. Stat.,  
c. 222.

Agreement  
binding on  
all members  
of mutual  
corporation.

(3) Notwithstanding anything contained in its Act or instrument of incorporation, or in its constitution and by-laws, or in any policy or certificate or other document evidencing a contract issued by a mutual corporation, or in the constitution or laws of or

#### EXPLANATORY NOTE

This Bill provides for the amalgamation or the reinsurance of a mutual life insurance corporation and a joint stock life insurance company. Provision for such has not previously been made in *The Companies Act*, although adequate provision is made under section 244 of *The Companies Act* for the amalgamation of two joint stock insurance companies.



certificates issued by any fraternal society the contracts of which have been assumed by the mutual corporation, or for which the mutual corporation has become responsible, the terms of any such agreement so confirmed and approved shall be valid and binding as of the date stipulated in the agreement upon all the members of the mutual corporation and upon their beneficiaries and legal personal representatives and upon all persons deriving legal rights from any such member or beneficiary so long as they do not involve any new or increased rates of contribution or premium, and the claims of all persons under any such contract of insurance shall be restricted to such benefits only as are continued in accordance with the terms of such agreement, and such contracts shall be deemed to be amended accordingly.

Standard of  
valuations.

Rev. Stat.,  
c. 222.

- (4) Upon the coming into force of any such agreement the reinsurer shall, in complying with the requirements of *The Insurance Act* in respect of the valuation of contracts so reinsured or transferred, be entitled to base its valuation upon such tables of mortality and upon such rates of interest as would have been authorized by law for such mutual corporation if no such agreement had been made.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of December, 1935.







BILL

An Act to amend The Companies Act.

---

*1st Reading*

March 27th, 1936.

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Companies Act.

---

MR. ROEBUCK

---



No. 116

1936

# BILL

An Act to amend The Companies Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Companies Amendment Act, 1936*.

Rev. Stat.,  
c. 218,  
amended.

2. *The Companies Act* is amended by adding thereto the following section:

Amalgama-  
tion, etc.,  
of mutual  
corporation  
and  
joint stock  
corporation.

244a.—(1) Subject to the provisions of *The Insurance Act* a mutual corporation incorporated under the law of Ontario transacting life insurance may amalgamate with or transfer its contracts to or reinsure such contracts with any licensed insurer transacting life insurance and may enter into all agreements necessary to such amalgamation, transfer or reinsurance.

(2) Notwithstanding anything contained in its Act or instrument of incorporation or its constitution and by-laws, the board of directors may enter into any such agreement on behalf of the mutual corporation through its president and secretary; provided that no such agreement shall be binding or effective unless and until evidence satisfactory to the Superintendent of Insurance is produced showing that the agreement has been confirmed by a vote of the majority of the members present or duly represented by proxy at a general or special general meeting of the mutual corporation and unless and until the agreement has been approved by the Lieutenant-Governor in Council pursuant to the provisions of *The Insurance Act*.

Rev. Stat.,  
c. 222.

Agreement  
binding on  
all members  
of mutual  
corporation.

(3) Notwithstanding anything contained in its Act or instrument of incorporation, or in its constitution and by-laws, or in any policy or certificate or other document evidencing a contract issued by a mutual corporation, or in the constitution or laws of or

certificates issued by any fraternal society the contracts of which have been assumed by the mutual corporation, or for which the mutual corporation has become responsible, the terms of any such agreement so confirmed and approved shall be valid and binding as of the date stipulated in the agreement upon all the members of the mutual corporation and upon their beneficiaries and legal personal representatives and upon all persons deriving legal rights from any such member or beneficiary so long as they do not involve any new or increased rates of contribution or premium, and the claims of all persons under any such contract of insurance shall be restricted to such benefits only as are continued in accordance with the terms of such agreement, and such contracts shall be deemed to be amended accordingly.

- (4) Upon the coming into force of any such agreement the reinsurer shall, in complying with the requirements of *The Insurance Act* in respect of the valuation of contracts so reinsured or transferred, be entitled to base its valuation upon such tables of mortality and upon such rates of interest as would have been authorized by law for such mutual corporation if no such agreement had been made.
- Standard of valuations.  
Rev. Stat., c. 222.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of December, 1935.

Commencement of Act.

An Act to amend The Companies Act.

---

*1st Reading*

March 27th, 1936.

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Insurance Act.

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• MR. ROEBUCK

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No. 117

1936

# BILL

An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 222,  
s. 280,  
amended.

1. Section 280 of *The Insurance Act* is amended by adding thereto the following subsection:

Irregularity  
not to  
invalidate.

- (2) Upon the approval of the Lieutenant-Governor in Council such agreement shall be valid and binding notwithstanding any irregularity in procedure or any failure to comply with any of the provisions of this Part.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The effect of the Bill is to validate any irregularity in procedure only, in the amalgamation or reinsurance of insurance companies, upon the approval of such amalgamation or agreement by the Lieutenant-Governor in Council.



BILL

An Act to amend The Insurance Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Insurance Act.

---

MR. ROEBUCK

---

No. 117

1936

# BILL

An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 222,  
s. 280,  
amended.

1. Section 280 of *The Insurance Act* is amended by adding thereto the following subsection:

Irregularity  
not to  
invalidate.

- (2) Upon the approval of the Lieutenant-Governor in Council such agreement shall be valid and binding notwithstanding any irregularity in procedure or any failure to comply with the procedural provisions of this Part.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Insurance Act.

---

*1st Reading*

March 27th, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Highway Traffic Act.

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MR. MCQUESTEN

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# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Short title.**

**1.** This Act may be cited as *The Highway Traffic Amendment Act, 1936*.

Rev. Stat.,  
c. 251, s. 10,  
subs. 1  
(1928,  
c. 42, s. 3),  
amended.

**2.** Subsection 1 of section 10 of *The Highway Traffic Act* as re-enacted by section 3 of *The Highway Traffic Amendment Act, 1928*, is amended by inserting after the word "brake" in the thirteenth line the words "Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle," so that the said subsection shall now read as follows:

Brakes,—  
two systems  
required.

- (1) Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to stop and to hold such vehicle, having two separate means of application, each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within a proper distance. Each means of application shall be so constructed that the cutting in two of any one element of the operating mechanism shall not leave the motor vehicle without brakes effective on at least two wheels. Every motorcycle shall be equipped with at least one brake. Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle. All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be made by the Department. Any police constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes on any motor vehicle on the highway, and may, if such brakes do not conform

#### EXPLANATORY NOTES

Section 2. Trailers and semi-trailers having a gross weight in excess of 3,000 pounds are required to be equipped with brakes.

to the regulations of the Department, require the driver of such motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations.

Rev. Stat.,  
c. 251, s. 26,  
subs. 3,  
repealed.

**3.** Subsection 3 of section 26 of *The Highway Traffic Act* as amended by section 5 of *The Highway Traffic Amendment Act, 1929*, is repealed.

Rev. Stat.,  
c. 251, s. 35,  
amended.

**4.** Section 35 of *The Highway Traffic Act* as amended by section 8 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, section 10 of *The Highway Traffic Amendment Act, 1931*, section 5 of *The Highway Traffic Act, 1932*, and section 4 of *The Highway Traffic Act, 1933*, is further amended by adding thereto the following subsections:

Signal  
traffic  
control  
systems.

- (1a) (a) Lights of green, amber and red may be used for signal-light traffic control systems.
- (b) When a green signal-light is shown at an intersection the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light may proceed across the intersection or turn left or right.
- (c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop.
- (d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the intersection, it may be driven cautiously across the intersection.
- (e) When under the provisions of this section the driver or operator of a vehicle or car of an electric railway is permitted to proceed across an intersection or to turn left or right, such permission shall be subject always to the safety of pedestrians and other traffic.

Section 3. The provision fixing a speed limit of twenty miles per hour for motor vehicles having a gross weight in excess of eight tons, is repealed.

Section 4. For the purpose of securing uniformity of the regulation of traffic by traffic control signal-lights the rules for the movement of traffic at intersections controlled by such lights, are prescribed.

Vehicles are prohibited from obstructing the free passage of ambulances, fire and police department and public utility emergency vehicles.



(f) (i) When a green signal-light is shown at an intersection a pedestrian approaching such intersection and facing such light may proceed across the roadway provided that where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian shall proceed within such marked portion.

(ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights, shall not enter the roadway unless he can do so with safety and without interfering with vehicular traffic.

(g) The provisions of this subsection shall be subject to any sign or notice forbidding a left or right turn or both, which may be conspicuously posted at any intersection and to any direction of a police constable or other person who is authorized to direct traffic.

(h) (i) Every signal-light traffic control system installed after the coming into force of this subsection shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be approximately nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(ii) No signal-light traffic control system shall be erected unless the approval of the Department has been obtained.

Approaching  
ambulance,  
fire or  
police  
department  
vehicle.

(10b) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle, or public utility emergency vehicle upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

Following  
fire  
department  
vehicle.

(10c) No vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than five hundred feet.





Rev. Stat.,  
c. 251, s. 58,  
subs. 2,  
repealed.

**5.** Subsection 2 of section 58 of *The Highway Traffic Act* is repealed.

Rev. Stat.,  
c. 251, s. 76,  
subs. 1  
(1930,  
c. 47, s. 6),  
amended.

**6.** Subsection 1 of section 76 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the words "judgment or order" where they occur in the ninth and in the tenth and eleventh lines so that the said subsection shall now read as follows:

Voluntary  
filing of  
financial  
responsi-  
bility.

- (1) An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction arises, proof of financial responsibility, which, at the date of such conviction, is valid and sufficient for the requirements of this Part.

Commence-  
ment of Act.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. The provision adding to the costs of conviction twenty-five cents for magistrates' costs for filing certificates, is repealed.

Section 6. Under the present section where a person voluntarily files proof of financial responsibility (as a certificate of an insurance policy) his license or permit cannot be suspended even though judgment is obtained against him in an action arising out of a motor accident in which he was operating a vehicle not covered by any insurance. The effect of the amendment is that upon any such judgment being obtained his permit and license are suspended until the judgment is satisfied.





BILL

An Act to Amend The Highway  
Traffic Act

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*1st Reading*

March 27th, 1936.

*2nd Reading*

*3rd Reading*

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MR. McQUESTEN

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No. 118

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Highway Traffic Act.

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MR. MCQUESTEN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 118

1936

# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1936*.

Rev. Stat.,  
c. 251, s. 10,  
subs. 1  
(1928,  
c. 42, s. 3),  
amended.

2. Subsection 1 of section 10 of *The Highway Traffic Act* as re-enacted by section 3 of *The Highway Traffic Amendment Act, 1928*, is amended by inserting after the word "brake" in the thirteenth line the words "Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle," so that the said subsection shall now read as follows:

Brakes,—  
two systems  
required.

- (1) Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to stop and to hold such vehicle, having two separate means of application, each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within a proper distance. Each means of application shall be so constructed that the cutting in two of any one element of the operating mechanism shall not leave the motor vehicle without brakes effective on at least two wheels. Every motorcycle shall be equipped with at least one brake. Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle. All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be made by the Department. Any police constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes on any motor vehicle on the highway, and may, if such brakes do not conform

to the regulations of the Department, require the driver of such motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations.

3. Subsection 3 of section 26 of *The Highway Traffic Act* Rev. Stat., c. 251, s. 26, subs. 3, repealed. as amended by section 5 of *The Highway Traffic Amendment Act, 1929*, is repealed.

4. Section 35 of *The Highway Traffic Act* as amended by Rev. Stat., c. 251, s. 35, amended. section 8 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, section 10 of *The Highway Traffic Amendment Act, 1931*, section 5 of *The Highway Traffic Act, 1932*, and section 4 of *The Highway Traffic Act, 1933*, is further amended by adding thereto the following subsections:

- (1a) (a) Lights of green, amber and red may be used for Signal traffic control systems. signal-light traffic control systems.
- (b) When a green signal-light is shown at an intersection the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light may proceed across the intersection or turn left or right.
- (c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop.
- (d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the intersection, it may be driven cautiously across the intersection.
- (e) When under the provisions of this section the driver or operator of a vehicle or car of an electric railway is permitted to proceed across an intersection or to turn left or right, such permission shall be subject always to the safety of pedestrians and other traffic.

- (f) (i) When a green signal-light is shown at an intersection a pedestrian approaching such intersection and facing such light may proceed across the roadway provided that where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian shall proceed within such marked portion.

(ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights, shall not enter the roadway unless he can do so with safety and without interfering with vehicular traffic.

- (g) The provisions of this subsection shall be subject to any sign or notice forbidding a left or right turn or both, which may be conspicuously posted at any intersection and to any direction of a police constable or other person who is authorized to direct traffic.

- (h) (i) Every signal-light traffic control system installed after the coming into force of this subsection shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be approximately nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(ii) No signal-light traffic control system shall be erected unless the approval of the Department has been obtained.

Approaching  
ambulance,  
fire or  
police  
department  
vehicle.

- (10b) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle, or public utility emergency vehicle upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

Following  
fire  
department  
vehicle.

- (10c) No vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than five hundred feet.



5. Subsection 2 of section 58 of *The Highway Traffic Act* is repealed. Rev. Stat., c. 251, s. 58, subs. 2, repealed.

6. Subsection 1 of section 76 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the words "judgment or order" where they occur in the ninth and in the tenth and eleventh lines so that the said subsection shall now read as follows: Rev. Stat., c. 251, s. 76, subs. 1 (1930, c. 47, s. 6), amended.

- (1) An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction arises, proof of financial responsibility, which, at the date of such conviction, is valid and sufficient for the requirements of this Part. Voluntary filing of financial responsibility.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.







BILL

An Act to amend The Highway  
Traffic Act

---

*1st Reading*

March 27th, 1936.

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. McQUESTEN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting Intermediate Schools.

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MR. SIMPSON

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# BILL

## An Act respecting Intermediate Schools.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Intermediate Schools Act, 1936*.

Interpre-  
tation.      **2.** In this Act,—

“Inter-  
mediate  
school.”

(a) “Intermediate school” shall mean a department of a public or a separate school which is established and maintained by a public school board or a separate school board, or by a committee appointed by two or more public school boards or two or more separate school boards, or by one or more public school boards and one or more separate school boards, and which offers in a separate organization, but not necessarily in a separate building, courses of study in subjects now included in the curriculum for Grades VII, VIII, IX and X (Forms IV and V) of the public and separate schools, in the lower school of the high school and in the first two years of the vocational school;

“Minister.”

(b) “Minister” shall mean the Minister of Education;

“Public  
School  
Board.”

(c) “Public School Board” shall include Board of Education;

“Regula-  
tions.”  
Rev. Stat.,  
c. 322.

(d) “Regulations” shall mean regulations made under *The Department of Education Act*.

Establish-  
ment of  
intermediate  
school by  
public  
school  
board.

**3.**—(1) Subject to the regulations and to the approval of the Minister being first obtained, a public school board of any municipality or school section, or a separate school board, may establish and maintain one or more intermediate schools.

Powers of  
board with  
respect  
to inter-  
mediate  
school.

(2) The board shall have in respect of any such intermediate school the same powers as a public or a separate school board

#### EXPLANATORY NOTES

Section 2. The section defines "Intermediate Schools," "Minister," "Public School Board" and "Regulations."

Section 3.—(1) One or more intermediate schools may be established and maintained by a public school board or a separate school board.

(2) Every such board shall have power to acquire sites, erect buildings and additions, provide equipment, make permanent improvements and maintain such school or schools.

to acquire a school site, erect buildings and additions to existing buildings, provide equipment for and pay the cost of permanent improvements and of the maintenance of such intermediate schools.

Power to enter into agreements for establishment of intermediate schools.

4.—(1) Subject to the regulations and to the approval of the Minister being first obtained, agreements may be entered into by two or more public school boards, two or more separate school boards, or by one or more public school boards and one or more separate school boards, for the establishment and maintenance of one or more intermediate schools to be conducted in a place agreed upon by the boards, for the benefit of the pupils of such schools, and every such agreement shall specify the proportion of the cost of the establishment and maintenance of the intermediate schools to be paid by each of such boards, and shall provide for the manner in which such proportion shall be determined.

Control and management.

(2) An intermediate school established under the provisions of subsection 1 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Name.

(3) The committee shall be a body corporate and shall be styled "The Board of Trustees of the Intermediate School of the . . . . . of . . . . . ." (*naming the municipality or school section or sections*).

Cost of maintenance.

Rev. Stat., c. 323.

(4) Where the board of a union school section within the meaning of *The Public Schools Act* establishes or enters into an agreement with any other board for the establishment of an intermediate school, the council of each municipality included, or part of which is included in the union school section, shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such intermediate school according to the equalized assessment of the part of the union school section comprised in the municipality, as provided by *The Public Schools Act*.

Rev. Stat., c. 323.

Township grants.

(5) For the purposes of section 109 of *The Public Schools Act*, as amended by section 16 of *The School Law Amendment Act, 1933*, and section 3 of *The School Law Amendment Act, 1935*, an intermediate school established by one or more public school boards shall be deemed a public school.

Levying of rate.

5.—(1) The amount required to be provided for the support of an intermediate school established under sections 3 and 4, after deducting from such amount the legislative and county and other municipal grants, shall be provided for by a rate levied,—



Section 4.—(1) Agreements may be made between two or more public school boards, two or more separate school boards or one or more public school boards and one or more separate school boards for the establishment of one or more intermediate schools. Such agreements shall provide for the apportioning of the cost of establishing and maintaining such schools.

(2) Every school so established shall be under the control of a committee comprising members of the boards by which it is established.

(3) Each committee shall be a body corporate.

(4) The subsection provides for the raising of money for the establishment and maintenance of an intermediate school where one of the boards to the agreement under which it is established is the board of a union school section within the meaning of *The Public Schools Act*.

(5) For the purposes of township grants made under *The Public Schools Act*, an intermediate school established by one or more public school boards shall be deemed a public school.

Section 5.—(1) This subsection provides for the raising of money for intermediate school purposes and prescribes the property which shall be taxable for such purposes.



- (a) where the school is established by the board of an urban municipality or of a public school section, or by the boards of an urban municipality and of one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;
- (b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school.

Estimates.

(2) The board or committee having the control and management of an intermediate school shall prepare and submit to the municipal council or councils liable under this Act, on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for such intermediate school, and such estimates shall be separate from those relating to public or separate schools and shall show the amount of any surplus or deficit remaining at the end of the preceding year, and the revenues estimated to be derived from legislative grants and county or other municipal grants and from fees and all other sources.

Cost of education of pupils who have completed public school.

6.—(1) Where pursuant to the authority conferred by this Act a board has established an intermediate school and it is attended by pupils who have completed the course of study up to and including Form IV of a public school and who if attending a high school would under the provisions of *The High Schools Act* be county pupils, the cost of education of every such pupil shall be borne and paid by the county in which such pupil or his parents or guardians reside, in the same manner and to the same extent and according to the same basis and method of calculation as under the provisions of *The High Schools Act* are applicable and govern with respect to county pupils attending a high school.

Rev. Stat., c. 326.

Cost of pupils attending intermediate school.

(2) The cost of education of pupils attending intermediate schools which under the provisions of this section is to be borne and paid by a county shall, except as may otherwise

(2) This subsection requires the board or committee having control or management of an intermediate school to prepare estimates which shall be submitted to the municipal council or councils liable under this Act for the establishment and maintenance of the intermediate school.

Section 6.—(1) The cost of education of county pupils shall be taken care of in the same manner as under *The High Schools Act*.

(2) This subsection provides for rating, levying and collecting the cost of education of county pupils attending intermediate schools.

be provided in this section, be rated, levied and collected in the same manner as the cost of education of county pupils attending a high school is rated, levied and collected by a county.

Contribution  
by  
county.

**7.**—(1) The council of the county may contribute such further sum as it may deem expedient for the purposes of permanent improvements or for the maintenance of intermediate schools situate within the county; provided that any sum so contributed, except as provided by subsection 2, shall be apportioned among all such intermediate schools in proportion to the amount which the council is required to contribute to the support of such schools.

Additional  
aid.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the intermediate schools in the county without making a similar provision for the other intermediate schools in such county.

Levy of  
rate in  
united  
counties.

(3) The council of united counties may apportion the amount to be levied for intermediate schools so that each county in the union shall be liable only for sums payable in respect to intermediate schools situate within such county, but in every such case each of the counties shall pay for the maintenance of pupils residing therein who attend any intermediate school situate in another of the counties.

Courses  
of study  
and qualifi-  
cations of  
teachers.

**8.** The courses of study and the qualifications of teachers in intermediate schools shall be those prescribed by the regulations.

Rev. Stat.,  
cc. 323, 328,  
applicable  
to inter-  
mediate  
schools.

**9.** The provisions of *The Public Schools Act* and *The Separate Schools Act* which are applicable to intermediate schools and are not inconsistent with this Act shall be read as part of this Act.

Commence-  
ment of Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 7. This section provides for the manner of dividing county grants.

Section 8. The courses of study and the qualifications of teachers shall be those prescribed by the regulations under *The Department of Education Act*.

Section 9. The appropriate portions of *The Public Schools Act* and *The Separate Schools Act* shall be applicable to intermediate schools.







BILL

An Act respecting Intermediate Schools.

---

*1st Reading*

March 30th, 1936

*2nd Reading*

*3rd Reading*

---

MR. SIMPSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The School Law Amendment Act, 1936.

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MR. SIMPSON

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# BILL

## The School Law Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The School Law Amendment Act, 1936*.

Rev. Stat.,  
c. 327, s. 2,  
subs. 1a,  
amended.

**2.** Subsection 1a of section 2 of *The Boards of Education Act* as enacted by section 12 of *The School Law Amendment Act, 1929*, is amended by striking out the words "or village" in the first line, and inserting in lieu thereof the words "village or township," so that the said subsection shall now read as follows:

Board in  
town, village  
or township.

Rev. Stat.,  
c. 326.

(1a) The council of a town, village or township which has been established as a high school district in accordance with section 6 of *The High Schools Act*, may on or before the 1st day of October in any year, at a meeting specially called for that purpose, declare by resolution that it is expedient to form a board of education under this Act for the purpose of establishing and maintaining one or more public and high schools in the municipality.

Rev. Stat.,  
c. 327, s. 22,  
amended.

**3.** Section 22 of *The Boards of Education Act* as amended by section 7 of *The School Law Amendment Act, 1928*, is further amended by striking out the words "or a member appointed by the county council who is not a resident of the high school district" added thereto by the amendment of 1928, and inserting in lieu thereof the words "or who is appointed by the county council," and by striking out the words "in such district" added to the end of the section by the amendment of 1928, so that the said section shall now read as follows:

Restriction  
upon mem-  
ber who is  
appointed by  
the county  
council.

**22.** A member of a board who is a separate school supporter or who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools.

#### EXPLANATORY NOTES

Section 2. The amendment makes possible the establishment of boards of education in township high school districts.

Section 3. The amendment limits the voting powers of county appointees on boards of education to secondary school matters in which alone the county is interested.

Rev. Stat.,  
c. 325, s. 7,  
re-enacted.

4. Section 7 of *The Continuation Schools Act*, as amended by section 3 of *The School Law Amendment Act, 1928*, section 13 of *The School Law Amendment Act, 1930*, section 8 of *The School Law Amendment Act, 1931*, and section 21 of *The School Law Amendment Act, 1933*, is repealed, and the following substituted therefor:

Cost of  
education of  
county  
pupils.

7.—(1) The cost of education of county pupils attending grade A and grade B continuation Schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 34, 35, 36 and 37 of *The High Schools Act*.

Rev. Stat.,  
c. 326.

Grants to  
grade C  
schools.  
Rev. Stat.,  
c. 323.

(2) All grants to grade C continuation schools shall be made in the same manner as grants to fifth classes under *The Public Schools Act* and regulations.

Where cost  
of education  
of county  
pupils  
exceeds \$100  
per pupil.

(3) Notwithstanding the provisions of subsection 1, where in any year the total cost of education per pupil of the county pupils attending grade A and grade B continuation schools has exceeded \$100 per county pupil, as ascertained under sections 34, 35, 36 and 37 of *The High Schools Act*, the council of the county may, from any amount payable by it in respect of such county pupils, deduct a sum equal to one-half the amount by which the cost exceeded \$100 for each such county pupil.

Rev. Stat.,  
c. 326.

Rev. Stat.,  
c. 322, s. 5,  
subs. 1,  
cl. m,  
amended.

5. Clause *m* of subsection 1 of section 5 of *The Department of Education Act* is amended by striking out the words "on the basis of the salaries paid to teachers, the character of the accommodation and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the regulations," in the third to eighth lines, so that the said clause shall now read as follows:

Apportion-  
ment of  
high school  
grant.

(*m*) subject to the regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, and notice of such apportionment shall be given to the county clerk of each county so that the county grant may be paid to the treasurer of the board of such school.

Rev. Stat.,  
c. 326, s. 1,  
subs. 1, cl. g.  
re-enacted.

6. Clause *g* of subsection 1 of section 1 of *The High Schools Act* is repealed and the following substituted therefor:

"Main-  
tenance."

(*g*) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school

Section 4. The amendment renders the section in conformity with the new scheme of county support to high schools and public schools and makes uniform the provisions relating to support in the various types of schools which are doing approximately the same work.

Section 5. This amendment is to give the Minister, through an Order-in-Council greater freedom to alter, from time to time, the basis on which high school grants are paid.

6. The amendment gives statutory authority for the payment of legitimate expenses.



property; salaries of the teachers, officers and other employees of the board; contributions to a super-annuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting entrance examinations; interest charges on temporary loans made for the purposes of the board, and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat.,  
c. 326, s. 6,  
subs. 1,  
amended.

7.—(1) Subsection 1 of section 6 of *The High Schools Act* as amended by section 4 of *The School Law Amendment Act, 1935*, is further amended by striking out the words "may with the approval of the Minister" in the second line and inserting in lieu thereof the words "subject to the approval of the Minister first being obtained may," so that the first paragraph of the said subsection shall now read as follows:

Establish-  
ment and  
discontinu-  
ance of  
high schools.

- (1) On or before the 1st day of July in any year the council of a county, subject to the approval of the Minister first being obtained, may pass by-laws for the establishment of a new high school district,—

Rev. Stat.,  
c. 326, s. 14,  
subs. 2,  
re-enacted.

(2) Subsection 3 of the said section 6, as enacted by subsection 2 of section 14 of *The School Law Amendment Act, 1930*, is repealed and the following substituted therefor:

High school  
district in  
territorial  
district.

- (3) Subject to the approval of the Minister first being obtained, the council of any municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a high school district.

Rev. Stat.,  
c. 326, s. 11,  
amended.

8. Section 11 of *The High Schools Act* is amended by adding thereto the following subsection:

Trustee,—  
not eligible  
where taxes  
unpaid.

- (2) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property.

Section 7.—(1) This amendment clarifies the meaning of the section by stating specifically that the approval of the Minister must first be obtained.

(2) The amendment extends the subsection to include municipalities other than townships. Clauses (a) and (b) appear in amended form in section 15a.

Section 8. The purpose of the amendment is to require of school trustees the same qualifications as *The Municipal Act* requires of members of municipal councils.

Rev. Stat.,  
c. 326,  
amended.

9. *The High Schools Act* is amended by adding thereto the following section:

Composition  
of board in  
township  
and urban  
municipality.

15a.—(1) Where a high school district is established under the authority of subsection 3 of section 6 for one municipality, or part thereof, in a territorial district, the high school board shall, in the case of a township, be composed of six trustees who shall be appointed by the council, and, in the case of an urban municipality, of the same number elected in the same manner as in the case of a city.

In district  
composed of  
two or more  
municipalities.

(2) Where a high school district is established under the authority of subsection 3 of section 6 for two or more municipalities or parts thereof, in a territorial district, the high school board shall be composed of six trustees to be appointed in equal numbers by the councils of such municipalities, provided that if either or any of such municipalities is an urban municipality, the public school board or boards and the separate school board or boards of such urban municipality or municipalities may appoint an additional member of the high school board as in the case of a city, such appointments being made in alternate years by the public school board and by the separate school board where more than one urban municipality forms part of the high school district.

Appoint-  
ments.

(3) The members of a high school board appointed by a council or councils pursuant to this section, shall hold office for a term of three years and shall be so appointed as to secure a complete rotation every three years, and where such appointments are to be made by two or more councils they shall at the time the high school district is established agree upon the method to be adopted to secure such rotation, failing which the Minister shall determine the method.

Rev. Stat.,  
c. 326, s. 23  
amended.

10. Section 23 of *The High Schools Act*, as amended by section 9 of *The School Law Amendment Act, 1929*, section 9 of *The School Law Amendment Act, 1931*, and section 24 of *The School Law Amendment Act, 1933*, is further amended by adding thereto the following clause:

Appoint-  
ment of  
secretary,  
treasurer  
and  
secretary-  
treasurer.

(ff) to appoint a secretary and a treasurer or a secretary-treasurer and such committees, officers and other employees as may be deemed expedient.

Rev. Stat.,  
c. 326, s. 24,  
amended.

11. Section 24 of *The High Schools Act* is amended by adding thereto the following clause:

9. The section provides for the appointment of trustees for high school districts, replacing clauses (a) and (b) of subsection 3 of section 6.

Section 10. The amendment renders *The High Schools Act* uniform with *The Public Schools Act* with regard to the appointment by the board of a secretary, treasurer, committees, officers and other employees.

Section 11. The section permits the board to pay the costs of defending any proceeding for libel or slander brought against a member, teacher, officer or employee of the board arising out of statements made at a meeting of the board or a committee thereof.



- (e) if deemed expedient, pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Rev. Stat.,  
c. 326, s. 25,  
amended.

**12.** Section 25 of *The High Schools Act*, as amended by section 15 of *The School Law Amendment Act, 1930*, and section 11 of *The School Law Amendment Act, 1934*, is further amended by adding thereto the following subsections:

Pupils'  
attendance  
at other high  
schools,—  
when amount  
payable by  
county.

- (4) The amount payable by the county to a board under the provisions of subsection 3 shall be paid by the county to the board within three months after the payment to the county by the municipality in which the high school district is established, of the amount of the rates levied by the county council for the preceding year.

Disagree-  
ment  
between  
council and  
board.

- (5) Where the council of the county and any board do not agree as to the liability of the county to pay such share for any year or the amount of such share, the liability shall be determined by the judge of the county court upon the application of either party.

Costs—how  
determined.

- (6) The costs of the parties upon any such reference shall be in the discretion of the judge and he shall fix the amounts thereof and direct to whom and by whom and in what manner such costs shall be paid.

Rev. Stat.,  
c. 326, s. 33,  
subs. 1,  
re-enacted.

**13.** Subsection 1 of section 33 of *The High Schools Act* is repealed and the following substituted therefor:

Pension  
fund for  
officers and  
employees  
of board.

- (1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contribu-  
tions by  
officers and  
employees.

- (1a) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and investments forming any part thereof

Section 12. The new subsections provide a means of settling disputes between county councils and boards.

Section 13. This amendment enables boards to establish and contribute to pension funds for officers and other employees as well as teacher and inspectors. To ensure the actuarial soundness of any such pension fund, the scheme has to be approved by the Superintendent of Insurance for Ontario.



and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution.

Rights,  
privileges  
and  
liabilities.

- (1b) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Management  
board—  
powers of.

- (1c) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund, and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund.

Contribu-  
tions by  
board.

- (1d) The board shall have the power to, and it shall annually provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

Amendment  
of resolu-  
tion by  
board.

- (1e) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Gifts, etc.—  
investment  
of.

- (1f) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,  
c. 150.

Rev. Stat.,  
c. 326,  
ss. 34-37,  
re-enacted.

**14.** Sections 34, 35, 36 and 37 of *The High Schools Act* and amendments thereto are repealed and the following substituted therefor:

Cost of  
education of  
county  
pupils;

- 34.—(1) The cost of education of county pupils attending a high school, a grade A or grade B continuation school, or a vocational school, shall be provided and paid by the council of the county to the extent, according to the basis, in the manner and at the times set forth in this section and in sections 35, 36 and 37.

Section 14. The substituted sections provide a new basis of county support for secondary school education.

Amount  
payable  
by county;

- (2) The cost of education of county pupils to be paid by the council of the county may be ascertained either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be provided for accordingly.

When  
payable;

- (3) Where in any year the cost is ascertained on the basis of the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year.

To be levied  
and collected  
as part of  
county rate.

- (4) Where the council of a county provides in its estimates for the current calendar year for the amounts of the estimated cost of education of county pupils in such year, the same shall be included in and levied and collected as part of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act but not later than the 1st day of July of the succeeding year.

Final  
accounting  
and adjust-  
ment.

- (5) In any case where the council of a county has made payments on account of the cost of education of county pupils according to its estimates or otherwise and it is finally ascertained that the cost is either less or more than the sums of such payments, a final accounting and adjustment of such cost shall be made and the amount of the underpayment, if any, shall forthwith be paid by the council of the county or the amount of the overpayment, if any, shall forthwith be repaid to the council of the county by the board to which such overpayment was made or, at the option of the council of the county, may be deducted by it from any future payments due to such board in respect to the next succeeding year.

Where  
county pro-  
vides for  
cost under  
subs. 4.

- (6) Where the council of a county provides for the cost of education of county pupils according to the provisions of subsection 4, the board of every high school and vocational school attended by county pupils from such county shall on or before such day in every year as the council of the county may by by-law prescribe, and not later than the 1st day of March, submit to the council an estimate of the cost of education of such county pupils for the current calendar year in such form and with such detail as to all revenues, expenditures, surpluses and



deficits of the board and as to estimated attendance of all pupils and proof of residence of county pupils as the council of the county may by by-law prescribe.

Cost of  
education  
of county  
pupils in  
high school  
district,—

- 35.—(1) Where county pupils are attending a high school, a grade A or grade B continuation school, or a vocational school, in a high school district, or a continuation school section in which a grade A or a grade B continuation school is established and maintained for any municipality or municipalities or any portion thereof situate in and forming part of the county and not separated therefrom, the cost of education of such county pupils to be paid by the council of the county shall be calculated and ascertained in the following manner :

how  
calculated.

- (a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements not exceeding \$500 for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school, shall be ascertained;
- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained;
- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated;
- (d) Fourthly, the total number of days' attendance of all pupils at the said school during the same calendar year shall be ascertained from







the school register and such total number shall then be divided into the net sum ascertained as provided in clause *c*, and the resultant amount shall be the net cost per pupil-day of all such pupils;

- (e) Fifthly, the total number of days' attendance of all county pupils from the county at the said school during the same calendar year shall be ascertained from the school register and such total number shall then be multiplied by the amount of the net cost per-pupil day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of the said county pupils for which the council of the county shall be liable and pay as provided for in section 34.

County pupils attending high or vocational school in city of town separated from country or in adjacent county.

- (2) Where county pupils from a county are attending a high school or vocational school in a city or town situate in such county but separated therefrom for municipal purposes or are attending a high school or vocational school in a municipality in an adjacent county, whether separated therefrom or not, and such school has been declared open to such county pupils as provided in section 16, the cost of education to be paid by the council of the county of which they are county pupils shall be calculated and ascertained in exactly the same manner as is provided in subsection 1 except that in addition to the deductions to be made according to clause *c* of the said subsection, there shall also be deducted an amount equal to twenty per centum of that part of the expenditures for maintenance which have to be provided out of taxation.

Where high school of district open to pupils of contiguous city or town.

- (3) Where the board of a high school district contiguous to a city or a separated town gives notice to the city clerk or the town clerk that such high school is open to city or town pupils on the same terms as it is open to resident pupils of the municipality in which the high school is situated, the cost of education to be paid by the council of the city or town shall be calculated and ascertained in the same manner as is provided in subsection 2 of this section.

Where council and board disagree upon cost of education.

- (4) Where the council of a county and the board of a high school or vocational school attended by county pupils from such county are unable to agree upon the sum to be paid for the cost of education of such



county pupils, the matter shall be referred to the judge of the county court for such county who shall determine such sum.

Reference  
to judge.

- (5) Either the council of the county or the board may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may see fit, and for the purpose of such reference there shall be filed with the judge such financial statements and balance sheets of the affairs of the board and such copies, extracts or information taken from the school register as to enrolment and attendance of all pupils and of the county pupils and as to the names and addresses of such county pupils and of their parents or guardians and such other statements, accounts, records, books and documents as to the judge may appear to be requisite fully and finally to ascertain the revenues and expenditures of the board, the days' attendance of all pupils and county pupils, to calculate and determine the net cost of education of county pupils and to fix the sum to be paid in respect thereto by the council of the county.

Costs of  
reference.

- (6) The costs of any such reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the same shall be paid.

Where  
county  
council not  
liable to pay  
cost of  
education.

- 36.—(1) Notwithstanding the provisions of clause *c* of subsection 1 of section 1 or of any other provision of this Act the council of a county shall not be liable to pay for the cost of education as a county pupil of any pupil attending a high school who or whose parent or guardian resides in a town or village forming part of the county and having a population of not less than 1,200, or in a township forming part of the county and having a population of not less than 4,000, and liability of the county for the cost of education of any such pupil shall arise only by virtue of an agreement entered into by the council of the county under the authority of subsection 5 of section 45.

Subs. 1 not  
to apply to  
county pupil  
attending  
vocational  
school.

- (2) The provisions of subsection 1 shall not apply to any pupil attending a vocational school who is a county pupil.

Cost of  
education  
of county  
pupils,—  
how to be  
provided;

- 37.—(1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be



levied in the following municipalities and in the following manner:

- (a) Fifty per centum of the said cost by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county which are not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, according to the last revised assessment roll of such rateable properties;
- (b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside in the proportion that the equalized assessment of such municipality or portion of a municipality multiplied by the number of county pupils who or whose parents or guardians reside therein bears to the total equalized assessments of all such municipalities and portions of municipalities multiplied by the total number of county pupils who or whose parents or guardians reside therein; and to determine the equalized assessment of a portion only of a municipality the same shall be calculated at the ratio which the assessments of all rateable property in such portion bears to the total assessments of all rateable property in the whole municipality according to the revised assessment roll thereof from which the last equalized assessment of the county was determined.

not to be  
levied in  
high school  
district.

- (2) No part of the cost of education of county pupils to be paid by the council of a county shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which a grade A or a grade B continuation school is established and maintained.

County  
grant to  
agricultural  
department.

- 37a. Where an agricultural department is established by the Minister in a high school, the council of the







in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, which shall be applied by the board to the purposes of such department.

Rev. Stat.,  
c. 326, s. 50,  
subs. 1, cl. a,  
re-enacted.

**15.**—(1) Clause *a* of subsection 1 of section 50 of *The High Schools Act*, as amended by section 12 of *The School Law Amendment Act, 1934*, is repealed and the following substituted therefor:

Centres to be  
established.

(a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council, except that an examination centre shall not be established in a high school district if the high school board or the board of education, as the case may be, has passed a resolution that there shall be no written examination on question papers prepared by the Department, and the board of examiners which composes the high school entrance board has given its unanimous consent to the resolution. The county clerk or the secretary of the board, as the case may be, shall give notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts within the county which established the centre.

Rev. Stat.,  
c. 326, s. 50,  
subs. 5,  
re-enacted.

(2) Subsection 5 of the said section 50 is repealed and the following substituted therefor:

Candidates'  
fees.

(5) The county council or the high school board, as the case may be, shall not impose any fee upon any candidate at the county or high school district centres who, or whose parent or guardian, is a resident of Ontario, but may impose a fee not exceeding \$2 upon each candidate who, or whose parent or guardian is not a resident of Ontario at the county or high school district centres, which shall be paid by the candidate as prescribed by the regulations and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board as the case may be.

Rev. Stat.,  
c. 326, s. 55,  
amended.

**16.** Section 55 of *The High Schools Act* is amended by striking out the words "or an officer" in the first line and inserting in lieu thereof the words "officer or other employee of the board", so that the said section shall now read as follows:

Section 15.—(1) The amendment provides that an examination centre shall not be established where the high school board or board of education passes a resolution, approved by the board of examiners, that there shall be no written examination on papers prepared by the Department.

(2) The amendment follows a change in the regulations made in 1935.

Section 16. The amendment clarifies the meaning of the section by indicating that it includes "employees."

Retiring  
allowance  
to teachers,  
officers and  
employees.

55. Where a teacher, officer or other employee of the board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life, computed on the basis of interest at the rate of four per centum per annum.

Rev. Stat.,  
c. 329, s. 56  
(1931, c. 71,  
s. 13),  
amended.

17. Section 56 of *The High Schools Act*, as re-enacted by section 13 of *The School Law Amendment Act, 1931*, and amended by section 29 of *The School Law Amendment Act, 1933*, is further amended by adding thereto the following subsection:

Where  
opening and  
closing days  
Friday or  
Monday.

- (1a) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday.

Rev. Stat.,  
c. 326,  
amended.

18. *The High Schools Act* is amended by adding thereto the following section:

When trustee  
not entitled  
to vote.

- 58a. A trustee who is a shareholder, officer, director, or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between it and the board of which he is a member.

Rev. Stat.,  
c. 246, s. 12,  
amended.

19. Section 12 of *The Public Libraries Act* is amended by adding after the word "Minister" in the second line the words "any county library association or," so that the section shall now read as follows:

Agreements  
for securing  
public  
library  
services.

12. Subject to the regulations and to the approval of the Minister, any county library association or any municipality, police village or school section for which a public library has not been established may enter into an agreement with a public library board for securing public library services.

Rev. Stat.,  
c. 246, s. 14,  
amended.

20. Section 14 of *The Public Libraries Act* is amended by adding after the word "member" in the second line, the words "or an officer," and by striking out all the words after the word

Section 17. The amendment is to bring about uniformity of practice in respect to the days of opening and closing the schools.

Section 18. The amendment is to prevent a trustee from using his official position for pecuniary benefit to himself.

Section 19. The amendment permits a county library association to enter into an agreement with a public library board.

Section 20. The section is brought into conformity with the practice in the case of other boards.



"section," in the sixth line, so that the said section shall now read as follows:

Necessary  
qualifications  
for board.

14. Except as otherwise provided by this Act no person who is a member or an officer of any one of the bodies entitled to appoint shall be qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section.

Rev. Stat.,  
c. 246, s. 24,  
subs. 1,  
amended.

21. Subsection 1 of section 24 of *The Public Libraries Act* is amended by striking out the words "February of" in the first line and by adding after the word "year" in the third line the words "and may be re-elected for one additional year" so that the said section shall now read as follows:

Chairman.

- (1) The board shall at the first meeting in each year elect one of its number as chairman, who shall hold office for one year, and may be re-elected for one additional year, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*.

Rev. Stat.,  
c. 246, s. 25,  
subs. 1,  
amended.

22. Subsection 1 of section 25 of *The Public Libraries Act* is amended by adding at the end thereof the words "provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only," so that the said subsection shall now read as follows:

Regular  
meetings.

- (1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it may think fit, provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only.

Rev. Stat.,  
c. 246, s. 36,  
amended.

23. Section 36 of *The Public Libraries Act* is amended by adding at the end thereof the words "and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in each or any year," so that the said section shall now read as follows:

Closing  
library for  
limited  
period.

36. Subject to the regulations the Minister upon the application of the board may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is

Section 21. The chairman shall be elected at the first meeting of the year so that a meeting need not be held in February. The chairman may be re-elected for an additional year.

Section 22. The section reduces the number of meetings in municipalities of less than 2,000.

Section 23. The board may close the library for a period of two successive weeks during the summer months.



necessary or expedient, and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in each or any year.

Rev. Stat.,  
c. 323, s. 1,  
cl. f,  
re-enacted.

**24.** Clause *f* of section 1 of *The Public Schools Act* is repealed and the following substituted therefor:

"Elector."

(f) "Elector shall mean, in a municipality, any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in an unorganized township or in an unsurveyed district "elector" shall mean any person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school.

Rev. Stat.,  
c. 323, s. 6,  
subs. 1,  
amended.

**25.**—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 5 of *The School Law Amendment Act, 1933*, is further amended by striking out all the words after the word "June" in the fifth line, so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Rev. Stat.,  
c. 323, s. 6,  
amended.

(2) The said section 6 is further amended by adding thereto the following subsection:

Where  
opening and  
closing days  
Friday or  
Monday.

(1a) When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday, the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat.,  
c. 323, s. 15,  
subs. 4  
(1928, c. 53,  
s. 2),  
amended.

**26.**—(1) Subsection 4 of section 15 of *The Public Schools Act* as re-enacted by section 2 of *The School Law Amendment Act, 1928*, is amended by inserting after the word "thereafter" in the fourth line, the words, "at the same time and place as the annual municipal elections of the township and," so that the said subsection shall now read as follows:

Section 24. The new clause clarifies the meaning of "elector."

Section 25. The purpose of the amendments is to bring about uniformity of practice in respect to the days of opening and closing the schools.

Section 26.—(1) The amendment clarifies the meaning of the section by specifying the time and place for the election of school trustees for a township school area.

Township  
school  
area,—  
election of  
trustees.

- (4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter at the same time and place as the annual municipal elections of the township and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section.

Rev. Stat.,  
c. 323, s. 15,  
amended.

- (2) The said section 15 is further amended by adding thereto the following subsection:

Audit of  
accounts and  
publication  
of annual  
report.

- (7a) It shall not be necessary in township school areas to hold the annual meeting of the electors as required by section 66 of this Act; but for the purposes of the audit of accounts, books and vouchers and the publication of the annual report of the auditors as provided in clause *r* of section 88, the board of a township school area shall be deemed to be an urban board.

Rev. Stat.,  
c. 323  
amended.

- 27.** *The Public Schools Act* is amended by adding thereto the following section:

Adjustment  
of claims.

- 15a.—(1) All rights and claims between the respective parts of a township comprising the several school sections united under a township school board or into a township school area, shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area, as the case may be.

Powers of  
Ontario  
Municipal  
Board and  
referee,  
1932, c. 27.

- (2) The Ontario Municipal Board and any referee appointed by it shall have and may exercise such jurisdiction and powers as may be necessary for the purpose of having all or any of the said rights and claims valued, adjusted and determined, and the provisions of *The Ontario Municipal Board Act, 1932*, shall be applicable.

Referee,—  
hearing and  
report by.

- (3) A referee appointed under this section shall proceed to hear and report to the Ontario Municipal Board upon such rights and claims as the board may, from time to time, make or issue, and he shall

(2) Due to the larger area and the great number of ratepayers in a township school area, it is not feasible to have an annual meeting of ratepayers, but an auditor's report must be printed and circulated in the same manner as in urban centres.

Section 27. This section provides a basis for the adjustment of assets and liabilities when a township board or a township school area is formed or organized.



Remunera-  
tion.

submit his report to the board within three months after the time of his appointment or within such further time as the board may allow, and every such referee shall be paid for his services, such fee as the board may direct and allow.

Considera-  
tion of  
report of  
referee by  
board.

- (4) Upon the report of a referee being filed with the board, it shall forthwith consider such report and may hear such representations in respect thereof as it may see fit, and before adopting any such report, the said board may refer it back to the referee for his further consideration.

Board may  
vary or  
amend  
report.

- (5) The board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal and it shall be binding upon the township and the ratepayers of such township and of any school section affected thereby.

Special rates  
for adjusting  
claims.

- (6) The council of the township shall annually impose and levy such special rates against the lands assessable therefor as may be directed in any order of the board, for the purpose of adjusting the rights and claims of any school section or other area.

By-law,—  
when to  
come into  
force.

- (7) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until such time as the board may by its order direct, and no such order shall be issued until the board has made an order under subsection 5 hereof.

Minister  
to approve  
by-law.

- (8) No by-law passed under the authority of section 14 or 15 of this Act shall come into force or take effect until the Minister has first approved the same, and no order shall be made by the board under subsection 5 until the said approval of the Minister has been obtained.

Rev. Stat.,  
c. 323, s. 42,  
subs. 3,  
amended.

**28.** Subsection 3 of section 42 of *The Public Schools Act* is amended by inserting after the word "assume" in the fourth line the words "or may, by writing, appoint some other person to assume", and by inserting after the word "inspector" in the sixth line the words "or other person appointed by him," so that the said subsection shall now read as follows:

When  
inspector  
or other  
person to act  
as court of  
revision.

- (3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume,

Section 28. There are times when several courts of revision are required to act at the same time and the inspector is unable to perform the functions now required of him by the Act. This clause enables him to appoint some other person to act in his stead.



or may, by writing, appoint some other person to assume, the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector, or other person appointed by him, in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under sub-section 2.

Rev. Stat.,  
c. 323, s. 54,  
amended.

**29.** Section 54 of *The Public Schools Act* is amended by adding thereto the following subsection:

Lands  
included in  
section by  
reason of  
alteration in  
boundaries  
to be subject  
to taxation.

- (9) When upon alteration of boundaries of a school section lands are included therein which are taxable property of public school supporters, such lands shall be subject to taxation for school purposes, including debenture rates, of the school section to which they are attached in the same manner and to the same extent as all other taxable property of public school supporters in the school section; provided that if the lands so attached continue liable for debenture rates for the purposes of the school section from which they are detached, they shall during the continuance of such liability be subject only to taxation for school debenture rates in the school section to which they are attached, to the amount by which such last mentioned debenture rates exceed the amount of the debenture rates for which they have continued liable.

Rev. Stat.,  
c. 323, s. 66,  
subs. 1,  
amended.

**30.**—(1) Subsection 1 of section 66 of *The Public Schools Act* is amended by inserting after the word "December" in the third line the words "or if that day is a holiday, on the next day following," so that the said subsection shall now read as follows:

Annual  
meeting,—  
when held.

- (1) A meeting of the electors of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday in December, or if that day is a holiday, on the next day following, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs, at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the school house of the section.

Rev. Stat.,  
c. 323, s. 66,  
amended.

(2) The said section 66 is further amended by adding thereto the following subsection:

Annual  
meeting in  
rural section.

- (1a) Where the annual meeting of electors of a rural section cannot conveniently be held as provided for

Section 29. This subsection clarifies the method of levying rates for school debenture purposes on properties after changes are made in the boundaries of school section.

Section 30.—(2) In certain areas, such as school sections where many of the ratepayers are summer residents, it is very inconvenient to hold the annual meeting on the last Wednesday of the year and accordingly provision is made for holding the meeting at another time.

Section 31.—(1) The section is clarified by indicating the day upon which the meeting shall be held where the last Wednesday in December is a holiday.

in subsection 1, the electors at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Rev. Stat.,  
c. 323, s. 68,  
subs. 11,  
amended.

**31.** Subsection 11 of section 68 of *The Public Schools Act* is amended by striking out the words "that the election of a trustee" in the second line and inserting in lieu thereof the words "that the proceedings for the election of a trustee", so that the said subsection shall now read as follows:

Complaints  
as to  
elections.

(11) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

Rev. Stat.,  
c. 323,  
amended.

**32.** *The Public Schools Act* is amended by adding thereto the following section:

Election by  
ballot in  
rural school  
section.

**68a.** In a rural school section where the number of electors exceeds two hundred, the election of school trustees shall be by ballot and shall be held at the same time and place and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at such election, and all the provisions of this Act applicable to the election of school trustees by ballot at the time of the annual

Section 31. The purpose of the amendment is to make clear that the inspector has power to deal only with errors in procedure with respect to annual meetings of rural ratepayers.

Section 32. In a school section having a large number of ratepayers (usually a suburban school section) it is difficult to conduct an election by the showing of hands or by a poll and accordingly provision is made for a vote by ballot.



municipal elections shall apply as nearly as may be to the election of trustees under this section.

Rev. Stat.,  
c. 323, s. 69,  
subs. 2,  
amended.

**33.** Subsection 2 of section 69 of *The Public Schools Act* is amended by adding thereto the following clause:

Trustee,—  
not eligible  
where taxes  
unpaid.

- (b) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property.

Rev. Stat.,  
c. 323, s. 85,  
subs. 2.

**34.**—(1) Subsection 2 of section 85 of *The Public Schools Act* is amended by striking out the words "together with the taxes, if any" in the third line, and by adding at the end thereof the words "for the next preceding calendar year" so that the said subsection shall now read as follows:

Fees of  
non-resident  
pupils.

- (2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board but such fees paid by the parent or guardian to such school shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year.

Rev. Stat.,  
c. 323, s. 85,  
amended.

(2) The said section 85 is further amended by adding thereto the following subsection:

Average cost  
per pupil,—  
how com-  
puted.

- (2a) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Rev. Stat.,  
c. 323, s. 88,  
cl. o,  
amended.

**35.** Clause o of section 88 of *The Public Schools Act* is amended by adding thereto the words "and, if deemed expedient, to make contributions to a pension fund for the benefit

33. The purpose of the amendment is to require of school trustees the same qualifications as *The Municipal Act* requires of members of municipal councils.

Section 34.—(1) The purpose of the amendment is to indicate with greater certainty the amounts required to be paid.

34.—(2) This subsection aims to make the practice of computing the fees from resident pupils definite and uniform.

Section 35. The amendment enables urban boards to contribute to pension funds for teachers, inspectors, officers and other employees.



of teachers, inspectors, officers and other employees of the board," so that the said clause shall now read as follows:

Urban boards to pay officials and maintenance expenses, and make contributions to pension fund.

- (o) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board, and, if deemed expedient, to make contributions to a pension fund for the benefit of teachers, inspectors, officers and other employees of the board.

Rev. Stat., c. 323, amended.

**36.** *The Public Schools Act* is amended by adding thereto the following section:

Costs of legal proceedings.

- 91a. If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Township grants.

**37.** For the years 1936 and 1937 the sum or sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 109 of *The Public Schools Act* shall be eighty per centum only of the respective sums set forth or mentioned in such subsections.

Rev. Stat., c. 323, s. 126, amended.

**38.** Section 126 of *The Public Schools Act* as amended by section 11 of *The School Law Amendment Act, 1930*, is further amended by striking out the words "or officer" in the first line and inserting in lieu thereof the words "officer or other employee", and by striking out the words "or other officer" in the fifth line and inserting in lieu thereof the words "officer or other employee," so that the said section shall now read as follows:

Retiring allowance.

126. Where a teacher, inspector, officer or other employee of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector, officer or other employee, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value

36. The section permits the board to pay the costs of defending any proceeding for libel or slander brought against a member, teacher, officer or employee of the board arising out of statements made at a meeting of the board or a committee thereof.

Section 37. Unless an amendment is made this year, the township grants would go back automatically to the former higher levels. It is deemed advisable to bring this grant this year to eighty per centum of its former level.

Section 38. This amendment will legalize payments by urban boards toward the superannuation of "other employees".

of such annual allowance computed on the basis of interest at the rate of four per centum per annum.

Rev. Stat.,  
c. 323,  
amended.

**39.** *The Public Schools Act* is amended by adding thereto the following section:

Pension  
fund for  
officers and  
employees of  
board.

126a.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contribu-  
tions by  
officers and  
employees.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and of investments forming any part thereof and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution.

Rights,  
privileges,  
and  
liabilities.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Management  
board,—  
powers of.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund.

Contribu-  
tions by  
board.

(5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

Section 39. This amendment enables boards to establish and contribute to pension funds for officers and other employees as well as teachers and inspectors. To ensure the actuarial soundness of any such pension fund, the scheme has to be approved by the Superintendent of Insurance for Ontario.



Amendment  
of resolution  
by board.

- (6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Gifts, etc.—  
investment  
of.

- (7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,  
c. 50.

Rev. Stat.,  
c. 323, s. 135,  
amended.

- 40.** Section 135 of *The Public Schools Act* is amended by adding thereto the following subsection:

Complaint  
that trustee  
not qualified  
to act.

- (4) Where a complaint is made in writing to the inspector by any two ratepayers of a rural school section or by the other trustee or trustees thereof, that any trustee of such school section was not, at the time of his election, qualified to be elected, or is not competent to act, or is disqualified from acting, the inspector may file such complaint with the judge of the county or district court and on proof that the complaint is based on fact the judge shall declare the seat vacant, and a new election shall forthwith be held.

Rev. Stat.,  
c. 323, s. 136,  
amended.

- 41.** Section 136 of *The Public Schools Act* is amended by adding thereto the following subsection:

Contracts,  
etc.,—  
voting on.

- (2) A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between such company and the board of which he is a member.

Rev. Stat.,  
c. 328, s. 65,  
repealed.

- 42.** Section 65 of *The Separate Schools Act* is repealed.

Rev. Stat.,  
c. 328,  
amended.

- 43.** *The Separate Schools Act* is amended by adding thereto the following section:

Pension  
fund for  
officers and  
employees  
of board.

- 90a.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contribu-  
tions by  
officers and  
employees.

- (2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as

40. The purpose of this amendment is to make definite provision in rural areas for the unseating of a trustee who does not hold the proper qualifications.

Section 41. The amendment is to prevent a trustee from voting on contracts and matters in which he may be financially interested.

Section 42. This section is no longer necessary.

Section 43. This amendment enables boards to establish and contribute to pension funds for officers and other employees as well as teachers and inspectors. To ensure the actuarial soundness of any such pension fund, the scheme has to be approved by the Superintendent of Insurance for Ontario.



may be requisite to ensure the actuarial soundness of the pension fund and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and of investments forming any part thereof and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such "management in a board, hereinafter referred to as the "management board", constituted as set forth in the resolution.

Rights,  
privileges  
and  
liabilities.

- (3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Management  
board,—  
powers of.

- (4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund.

Contribu-  
tions by  
board.

- (5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

Amendment  
of resolution  
by board.

- (6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Gifts, etc.,—  
investment  
of.

- (7) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,  
c. 150.

Rev. Stat.,  
c. 328, s. 91,  
subs. 1,  
amended.

**44.**—(1) Subsection 1 of section 91 of *The Separate Schools Act* as amended by section 15 of *The School Law Amendment Act, 1934*, is further amended by striking out all the words after the word "June" in the fifth line, so that the said subsection shall now read as follows:

Section 44. The amendment is to bring about uniformity of practice in respect to the days of opening and closing the schools.

Terms.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Rev. Stat.,  
c. 328, s. 91,  
amended.

- (2) The said section 91 is further amended by adding thereto the following subsection:

When  
opening or  
closing days  
Friday or  
Monday.

- (1a) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat.,  
c. 328,  
amended.

- 45.** Section 96 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Cost of  
legal  
proceedings.

- (5) If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Rev. Stat.,  
c. 331, s. 3,  
subs. 1,  
amended.

- 46.** Subsection 1 of section 3 of *The Teachers' and Inspectors' Superannuation Act* is amended by striking out the words "two and one-half" in the second line and inserting in lieu thereof the words "as from the 1st day of September, 1936, three", so that the said subsection shall now read as follows:

Superannua-  
tion fund for  
inspectors ■  
and teachers.

- (1) Every teacher and inspector employed in Ontario shall contribute to the Fund as from the 1st day of September, 1936, three per centum of his salary in such manner as may be prescribed by the regulations.

Rev. Stat.,  
c. 331, s. 4,  
amended.

- 47.** Section 4 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Contribu-  
tion by  
Province.

4. The Treasurer of Ontario shall place to the credit of the Fund at such time as shall be prescribed by the regulations, sums equal to two and one-half per centum of the salaries paid to every teacher and inspector employed in Ontario and coming under the provisions of this Act.

Section 45. The section permits the board to pay the costs of defending any proceeding for libel or slander brought against a member, teacher, officer, or employee of the board arising out of statements made at a meeting of the board or a committee thereof.

46. Additional demands made on the Fund during the past few years make it necessary that the contributions of teachers be increased.

Section 47. No change is being made in the amount contributed to the Fund by the Government but the amendment is necessary in view of the increase in teachers' and inspectors' contributions.



Rev. Stat.,  
c. 331, s. 5,  
subs. 1,  
amended.

48.—(1) Subsection 1 of section 5 of *The Teachers' and Inspectors' Superannuation Act*, as amended by subsection 1 of section 33 of *The School Law Amendment Act, 1933*, and subsection 1 of section 17 of *The School Law Amendment Act, 1934*, is further amended by striking out the words "for the last ten years during which he was employed or of his average salary" in the eleventh and twelfth lines and in the amendment of 1933, and the words "whichever proves to be the greater", in the amendment of 1933, so that the first paragraph of the said subsection shall now read as follows:

Annual  
allowance on  
retirement  
after 39 years  
service.

- (1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least thirty-nine years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the Fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

Commence-  
ment of  
subs. 1.

- (2) The provisions of subsection 1 shall have effect from the 1st day of September, 1936.

Rev. Stat.,  
c. 331, s. 5,  
subs. 5.

- (3) Subsection 5 of the said section 5 is amended by striking out the words "four per centum per annum" in the fourth and fifth lines and inserting in lieu thereof the words "the rate paid by the Province of Ontario Savings Office at the time the refund is made," so that the said subsection shall now read as follows:

Death.

- (5) Upon the death of a teacher or inspector while engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the Fund during his lifetime with interest at the rate paid by the Province of Ontario Savings Office at the time the refund is made, compounded half-yearly.

Rev. Stat.,  
c. 331, s. 5,  
amended.

- (4) The said section 5 is further amended by adding thereto the following subsection:

Proof of  
age.

- (9) Any teacher or inspector may be required by the Commission at any time to submit proof of age in such manner as the Commission may designate.

Section 48.—(1) (2) From an actuarial point of view it is advisable to base calculations on the average salary of the teacher or inspector for his full contributory period. The amendment is made accordingly.

(3) The amendment makes all refunds at current interest rates on savings deposits.

(4) Many errors in statements of age have been found in the past and this amendment will enable the Commission to secure reliable evidence when necessary.



Rev. Stat.,  
c. 331, s. 6,  
amended.

**49.**—(1) Section 6 of *The Teachers' and Inspectors' Superannuation Act*, as amended by section 22 of *The School Law Amendment Act, 1930*, is further amended by striking out all the words after the word "thereon" in the fourth line and inserting in lieu thereof the words "and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund," so that the said section shall now read as follows:

Return of  
contribution  
on retire-  
ment after  
five years  
service.

6. Subject to the regulations, a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the Fund together with interest thereon, and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund.

Rev. Stat.,  
c. 331, s. 6,  
amended.

(2) The said section 6 is further amended by adding thereto the following subsections:

Repayment  
on resuming  
teaching.

- (2) Where a teacher or inspector has withdrawn his contributions from the Fund and subsequently resumes work as a teacher or inspector, he shall repay with interest at the rate of four and three-quarters per centum per annum the money so withdrawn.

Where  
money  
owing to  
Fund.

- (3) Where a teacher or inspector has become in debt to the Fund, he shall not be entitled to any benefits from the Fund until he has repaid the debt or made an arrangement to do so approved by the Commission.

Rev. Stat.,  
c. 331, s. 7,  
amended.

**50.** Section 7 of *The Teachers' and Inspectors' Superannuation Act*, as amended by section 34 of *The School Law Amendment Act, 1933*, is further amended by striking out the words, "at the rate of three per centum per annum" in the amendment of 1933, and inserting in lieu thereof the words, "at the rate paid by the Province of Ontario Savings Office at the time the refund is made" so that the said section shall now read as follows:

Death after  
becoming  
entitled to  
superannua-  
tion  
allowance.

7. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 5 his personal representatives shall

49.—(1) In order to protect the Fund, the interest rate used in calculating refunds shall not exceed current rates on savings.

(2) The subsections provide for the situation where a teacher or inspector returns to work after withdrawing his contributions.

Section 50. The amendment provides for the making of all refunds at current interest rates on deposits.

be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund with interest thereon at the rate paid by the Province of Ontario Savings Office at the time the refund is made.

**51.** Section 13 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following subsection:

- (5) Each member of the Commission shall continue to hold office until his successor is duly appointed, or elected, as the case may be.

1930, c. 64,  
s. 13, subs. 2,  
amended.

**52.**—(1) Subsection 2 of section 13 of *The Vocational Education Act, 1930*, is amended by striking out the words "employ teachers and fix their salaries," in the second line, and inserting in lieu thereof the words "select teachers and determine a schedule of salaries," so that the said subsection shall now read as follows:

Selection of  
teachers.

- (2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control.

(2) Subsections 5 and 6 of the said section 13 are amended by inserting after the word "Minister" in the first line of each of the subsections the words "and the board."

1930, c. 64,  
s. 14, subs. 7,  
repealed.

- (3) Subsection 7 of the said section 13 is repealed.

1930, c. 64,  
s. 14, subs. 3,  
amended.

**53.**—(1) Subsection 3 of section 14 of *The Vocational Education Act, 1930*, is amended by striking out the words "in the same manner as in the case of such pupils in attendance at high schools" at the end of the said subsection and inserting in lieu thereof the words "as provided in sections 34, 35 and 37 of *The High Schools Act*," so that the said subsection shall now read as follows:

County  
Council's  
grant for  
county  
pupils.

- (3) Grants towards the cost of education of county pupils, as defined in section 1 of *The High Schools Act*, in attendance at vocational schools or depart-

Section 51. The subsection requires every member of the commission to hold office until someone is appointed or elected to act in his place.

Section 52.—(1) The amendment makes clear the powers of the advisory vocational committee.

Section 52.—(2) The appointment by the advisory committee of co-ordinating officers and vocational guidance officers is made subject to the approval of the board as well as the minister.

Section 52.—(3) The power of the advisory committee to appoint a supervisory principal is cancelled.

Section 53.—(1) The section is amended to conform with the change in county support to all secondary schools.

ments shall be made by county councils as provided in sections 34, 35 and 37 of *The High Schools Act*.

1930, c. 64,  
s. 14,  
amended.

(2) The said section 14 is further amended by adding thereto the following subsection:

Provisions of  
*High School  
Act* and  
*Boards of  
Education  
Act* to apply.

- (4) Where not inconsistent with the provisions of this Act, *The Boards of Education Act* and *The High Schools Act* shall apply in all matters concerning the operation and management of a vocational school or department, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational schools or departments, and in any other matters whatsoever.

Rev. Stat.,  
cc. 327,  
326.

Commence-  
ment of Act.

**54.** This Act shall come into force on the day upon which it receives the Royal Assent, with the exception of section 14 which shall come into force on the first day of January, 1937.



Section 53.—(2) The section incorporates into *The Vocational Schools Act* appropriate provisions of *The High Schools Act* and *The Boards of Education Act*.



BILL

The School Law Amendment Act, 1936.

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*1st Reading*

March 30th, 1936

*2nd Reading*

*3rd Reading*

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MR. SIMPSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The School Law Amendment Act, 1936.

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MR. SIMPSON

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# BILL

## The School Law Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The School Law Amendment Act, 1936*.

Rev. Stat.,  
c. 327, s. 2,  
subs. 1a,  
(1929,  
c. 84, s. 12),  
amended.      **2.** Subsection 1a of section 2 of *The Boards of Education Act* as enacted by section 12 of *The School Law Amendment Act, 1929*, is amended by striking out the words "or village" in the first line, and inserting in lieu thereof the words "village or township," so that the said subsection shall now read as follows:

Board in  
town, village  
or township.  
Rev. Stat.,  
c. 326.      (1a) The council of a town, village or township which has been established as a high school district in accordance with section 6 of *The High Schools Act*, may on or before the 1st day of October in any year, at a meeting specially called for that purpose, declare by resolution that it is expedient to form a board of education under this Act for the purpose of establishing and maintaining one or more public and high schools in the municipality.

Rev. Stat.,  
c. 327, s. 22,  
amended.      **3.** Section 22 of *The Boards of Education Act* as amended by section 7 of *The School Law Amendment Act, 1928*, is further amended by striking out the words "or a member appointed by the county council who is not a resident of the high school district" added thereto by the amendment of 1928, and inserting in lieu thereof the words "or who is appointed by the county council," and by striking out the words "in such district" added to the end of the section by the amendment of 1928, so that the said section shall now read as follows:

Restriction  
upon mem-  
ber who is  
appointed by  
the county  
council.      **22.** A member of a board who is a separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools.

4. Section 7 of *The Continuation Schools Act*, as amended by section 3 of *The School Law Amendment Act, 1928*, section 13 of *The School Law Amendment Act, 1930*, section 8 of *The School Law Amendment Act, 1931*, and section 21 of *The School Law Amendment Act, 1933*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 325, s. 7,  
re-enacted.

- 7.—(1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 34, 35, 36 and 37 of *The High Schools Act*. Cost of  
education of  
county  
pupils.  
  
Rev. Stat.,  
c. 326.
- (2) All grants to grade C continuation schools shall be made in the same manner as grants to fifth classes under *The Public Schools Act* and regulations. Grants to  
grade C  
schools.  
Rev. Stat.,  
c. 323.
- (3) Notwithstanding the provisions of subsection 1, where in any year the total cost of education per pupil of the county pupils attending grade A and grade B continuation schools has exceeded \$100 per county pupil, as ascertained under sections 34, 35, 36 and 37 of *The High Schools Act*, the council of the county may, from any amount payable by it in respect of such county pupils, deduct a sum equal to one-half the amount by which the cost exceeded \$100 for each such county pupil. Where cost  
of education  
of county  
pupils  
exceeds \$100  
per pupil.  
  
Rev. Stat.,  
c. 326.

5. Clause *m* of subsection 1 of section 5 of *The Department of Education Act* is amended by striking out the words "on the basis of the salaries paid to teachers, the character of the accommodation and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the regulations," in the third to eighth lines, so that the said clause shall now read as follows: Rev. Stat.,  
c. 322, s. 5,  
subs. 1,  
cl. *m*,  
amended.

- (*m*) subject to the regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, and notice of such apportionment shall be given to the county clerk of each county so that the county grant may be paid to the treasurer of the board of such school. Apportion-  
ment of  
high school  
grant.

6. Clause *g* of subsection 1 of section 1 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 326, s. 1,  
subs. 1, cl. *g*,  
re-enacted.

- (*g*) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school "Main-  
tenance."



property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting entrance examinations; interest charges on temporary loans made for the purposes of the board, and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat.,  
c. 326, s. 6,  
subs. 1,  
amended.

7.—(1) Subsection 1 of section 6 of *The High Schools Act* as amended by section 4 of *The School Law Amendment Act, 1935*, is further amended by striking out the words "may with the approval of the Minister" in the second line and inserting in lieu thereof the words "subject to the approval of the Minister first being obtained, may," so that the first paragraph of the said subsection shall now read as follows:

Establishment and discontinuance of high schools.

- (1) On or before the 1st day of July in any year the council of a county, subject to the approval of the Minister first being obtained, may pass by-laws for the establishment of a new high school district,—

Rev. Stat.,  
c. 326, s. 6,  
subs. 3  
(1930,  
c. 63, s. 14,  
subs. 2),  
re-enacted.

(2) Subsection 3 of the said section 6, as re-enacted by subsection 2 of section 14 of *The School Law Amendment Act, 1930*, is repealed and the following substituted therefor:

High school district in territorial district.

- (3) Subject to the approval of the Minister first being obtained, the council of any municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a high school district.

Rev. Stat.,  
c. 326, s. 11,  
amended.

8. Section 11 of *The High Schools Act* is amended by adding thereto the following subsection:

Trustee,—  
not eligible  
where taxes  
unpaid.

- (2) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property.

**9.** *The High Schools Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 326,  
amended.

15a.—(1) Where a high school district is established under the authority of subsection 3 of section 6 for one municipality, or part thereof, in a territorial district, the high school board shall, in the case of a township, be composed of six trustees who shall be appointed by the council, and, in the case of an urban municipality, of the same number elected in the same manner as in the case of a city. Composition  
of board in  
township  
and urban  
municipality.

(2) Where a high school district is established under the authority of subsection 3 of section 6 for two or more municipalities or parts thereof, in a territorial district, the high school board shall be composed of six trustees to be appointed in equal numbers by the councils of such municipalities, provided that if either or any of such municipalities is an urban municipality, the public school board or boards and the separate school board or boards of such urban municipality or municipalities may appoint an additional member of the high school board as in the case of a city, such appointments being made in alternate years by the public school board and by the separate school board where more than one urban municipality forms part of the high school district. In district  
composed of  
two or more  
municipalities.

(3) The members of a high school board appointed by a council or councils pursuant to this section, shall hold office for a term of three years and shall be so appointed as to secure a complete rotation every three years, and where such appointments are to be made by two or more councils they shall at the time the high school district is established agree upon the method to be adopted to secure such rotation, failing which the Minister shall determine the method. Appoint-  
ments.

**10.** Section 23 of *The High Schools Act*, as amended by section 9 of *The School Law Amendment Act, 1929*, section 9 of *The School Law Amendment Act, 1931*, and section 24 of *The School Law Amendment Act, 1933*, is further amended by adding thereto the following clause: Rev. Stat.,  
c. 326, s. 23  
amended.

(ff) to appoint a secretary and a treasurer or a secretary-treasurer and such committees, officers and other employees as may be deemed expedient. Appoint-  
ment of  
secretary,  
treasurer  
and  
secretary-  
treasurer.

**11.**—(1) Section 24 of *The High Schools Act*, as amended by section 10 of *The School Law Amendment Act, 1934*, is further amended by adding thereto the following clause: Rev. Stat.,  
c. 326, s. 24,  
amended.



Costs of  
legal  
proceedings.

- (e) if deemed expedient, pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Subsection 1  
retroactive.

- (2) Subsection 1 shall be deemed to have been in force and taken effect from and after the 1st day of January, 1933.

Rev. Stat.,  
c. 326, s. 25,  
amended.

**12.** Section 25 of *The High Schools Act*, as amended by section 15 of *The School Law Amendment Act, 1930*, and section 11 of *The School Law Amendment Act, 1934*, is further amended by adding thereto the following subsections:

Pupils'  
attendance  
at other high  
schools,—  
when amount  
payable by  
county.

- (4) The amount payable by the county to a board under the provisions of subsection 3 shall be paid by the county to the board within three months after the payment to the county by the municipality in which the high school district is established, of the amount of the rates levied by the county council for the preceding year.

Disagree-  
ment  
between  
council and  
board.

- (5) Where the council of the county and any board do not agree as to the liability of the county to pay such share for any year or the amount of such share, the liability shall be determined by the judge of the county court upon the application of either party.

Costs—how  
determined.

- (6) The costs of the parties upon any such reference shall be in the discretion of the judge and he shall fix the amounts thereof and direct to whom and by whom and in what manner such costs shall be paid.

Rev. Stat.,  
c. 326, s. 33,  
subs. 1,  
re-enacted.

**13.** Subsection 1 of section 33 of *The High Schools Act* is repealed and the following substituted therefor:

Pension  
fund for  
officers and  
employees  
of board.

- (1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contribu-  
tions by  
officers and  
employees.

- (1a) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and investments forming any part thereof

and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution.

- (1b) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be set forth in the resolution establishing the same and the rules and regulations prescribed by the management board. Rights, privileges and liabilities.
- (1c) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund, and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund. Management board—powers of.
- (1d) The board shall have the power to, and it shall annually provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same. Contributions by board.
- (1e) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board. Amendment of resolution by board.
- (1f) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. Gifts, etc.—investment of.

Rev. Stat.,  
c. 150.

14. Sections 34, 35, 36 and 37 of *The High Schools Act* and amendments thereto are repealed and the following substituted therefor: Rev. Stat.,  
c. 326,  
ss. 34-37,  
re-enacted.

- 34.—(1) The cost of education of county pupils attending a high school, a grade A or grade B continuation school, or a vocational school, shall be provided and paid by the council of the county to the extent, according to the basis, in the manner and at the times set forth in this section and in sections 35, 36 and 37. Cost of education of county pupils;

Amount  
payable  
by county;

- (2) The cost of education of county pupils to be paid by the council of the county may be ascertained either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be provided for accordingly.

When  
payable;

- (3) Where in any year the cost is ascertained on the basis of the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year.

To be levied  
and collected  
as part of  
county rate.

- (4) Where the council of a county provides in its estimates for the current calendar year for the amounts of the estimated cost of education of county pupils in such year, the same shall be included in and levied and collected as part of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act but not later than the 1st day of July of the succeeding year.

Final  
accounting  
and adjust-  
ment.

- (5) In any case where the council of a county has made payments on account of the cost of education of county pupils according to its estimates or otherwise and it is finally ascertained that the cost is either less or more than the sums of such payments, a final accounting and adjustment of such cost shall be made and the amount of the underpayment, if any, shall forthwith be paid by the council of the county or the amount of the overpayment, if any, shall forthwith be repaid to the council of the county by the board to which such overpayment was made or, at the option of the council of the county, may be deducted by it from any future payments due to such board in respect to the next succeeding year.

Where  
county pro-  
vides for  
cost under  
subs. 4.

- (6) Where the council of a county provides for the cost of education of county pupils according to the provisions of subsection 4, the board of every high school and vocational school attended by county pupils from such county shall on or before such day in every year as the council of the county may by by-law prescribe, and not later than the 1st day of March, submit to the council an estimate of the cost of education of such county pupils for the current calendar year in such form and with such detail as to all revenues, expenditures, surpluses and



deficits of the board and as to estimated attendance of all pupils and proof of residence of county pupils as the council of the county may by by-law prescribe.

- 35.—(1) Where county pupils are attending a high school, a grade A or grade B continuation school, or a vocational school, in a high school district, or a continuation school section in which a grade A or a grade B continuation school is established and maintained for any municipality or municipalities or any portion thereof situate in and forming part of the county and not separated therefrom, the cost of education of such county pupils to be paid by the council of the county shall be calculated and ascertained in the following manner:

Cost of  
education  
of county  
pupils in  
high school  
district,—

- (a) First, the total gross current expenditures for <sup>how</sup> the calendar year for maintenance of the school and for permanent improvements not exceeding \$500 for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school, shall be ascertained; <sup>calculated.</sup>
- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained;
- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated;
- (d) Fourthly, the total number of days' attendance of all pupils at the said school during the same calendar year shall be ascertained from

the school register and such total number shall then be divided into the net sum ascertained as provided in clause *c*, and the resultant amount shall be the net cost per pupil-day of all such pupils;

- (e) Fifthly, the total number of days' attendance of all county pupils from the county at the said school during the same calendar year shall be ascertained from the school register and such total number shall then be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of the said county pupils for which the council of the county shall be liable and pay as provided for in section 34.

County pupils attending high or vocational school in city or town separated from county or in adjacent county.

- (2) Where county pupils from a county are attending a high school or vocational school in a city or town situate in such county but separated therefrom for municipal purposes or are attending a high school or vocational school in a municipality in an adjacent county, whether separated therefrom or not, and such school has been declared open to such county pupils as provided in section 16, the cost of education to be paid by the council of the county of which they are county pupils shall be calculated and ascertained in exactly the same manner as is provided in subsection 1 except that in addition to the deductions to be made according to clause *c* of the said subsection, there shall also be deducted an amount equal to twenty per centum of that part of the expenditures for maintenance which has to be provided out of taxation.

Where high school of district open to pupils of contiguous city or town.

- (3) Where the board of a high school district contiguous to a city or a separated town gives notice to the city clerk or the town clerk that such high school is open to city or town pupils on the same terms as it is open to resident pupils of the municipality in which the high school is situated, the cost of education to be paid by the council of the city or town shall be calculated and ascertained in the same manner as is provided in subsection 2 of this section.

Where council and board disagree upon cost of education.

- (4) Where the council of a county and the board of a high school or vocational school attended by county pupils from such county are unable to agree upon the sum to be paid for the cost of education of such

county pupils, the matter shall be referred to the judge of the county court for such county who shall determine such sum.

- (5) Either the council of the county or the board may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may see fit, and for the purpose of such reference there shall be filed with the judge such financial statements and balance sheets of the affairs of the board and such copies, extracts or information taken from the school register as to enrolment and attendance of all pupils and of the county pupils and as to the names and addresses of such county pupils and of their parents or guardians and such other statements, accounts, records, books and documents as to the judge may appear to be requisite fully and finally to ascertain the revenues and expenditures of the board, the days' attendance of all pupils and county pupils, to calculate and determine the net cost of education of county pupils and to fix the sum to be paid in respect thereto by the council of the county.

Reference  
to judge.

- (6) The costs of any such reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the same shall be paid.

Costs of  
reference.

- 36.—(1) Notwithstanding the provisions of clause c of subsection 1 of section 1 or of any other provision of this Act the council of a county shall not be liable to pay for the cost of education as a county pupil of any pupil attending a high or continuation school situated in a city, a separated town or an adjacent county who or whose parent or guardian resides in a town or village forming part of the county and having a population of not less than 1,200, or in a township forming part of the county and having a population of not less than 4,000, and liability of the county for the cost of education of any such pupil shall arise only by virtue of an agreement entered into by the council of the county under the authority of subsection 5 of section 45.

Where  
county  
council not  
liable to pay  
cost of  
education.

- (2) The provisions of subsection 1 shall not apply to any pupil attending a vocational school who is a county pupil.

Subs. 1 not  
to apply to  
county pupil  
attending  
vocational  
school.

- 37.—(1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be

Cost of  
education  
of county  
pupils,—  
how to be  
provided;



levied in the following municipalities and in the following manner:

- (a) Fifty per centum of the said cost by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county which are not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, according to the last revised assessment roll of such rateable properties;
- (b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the proportion that the equalized assessment of such municipality or portion of a municipality multiplied by the number of county pupils who, or whose parents or guardians, reside therein bears to the total equalized assessments of all such municipalities and portions of municipalities multiplied by the total number of county pupils who or whose parents or guardians reside therein; and to determine the equalized assessment of a portion only of a municipality the same shall be calculated at the ratio which the assessments of all rateable property in such portion bears to the total assessments of all rateable property in the whole municipality according to the revised assessment roll thereof from which the last equalized assessment of the county was determined.

Not to be  
levied in  
high school  
district.

- (2) No part of the cost of education of county pupils to be paid by the council of a county shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which a grade A or a grade B continuation school is established and maintained.

County  
grant to  
agricultural  
department.

- 37b. Where an agricultural department is established by the Minister in a high school, the council of the

county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, which shall be applied by the board to the purposes of such department.

**15.**—(1) Clause *a* of subsection 1 of section 50 of *The High Schools Act*, as amended by section 12 of *The School Law Amendment Act, 1934*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 326, s. 50,  
subs. 1, cl. *a*,  
re-enacted.

- (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council, except that an examination centre shall not be established in a high school district if the high school board or the board of education, as the case may be, has passed a resolution that there shall be no written examination on question papers prepared by the Department, and the board of examiners which composes the high school entrance board has given its unanimous consent to the resolution. The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts within the county which established the centre.

Centres to be  
established.

(2) Subsection 5 of the said section 50 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 326, s. 50,  
subs. 5,  
re-enacted.  
Candidates'  
fees.

- (5) The county council or the high school board, as the case may be, shall not impose any fee upon any candidate at the county or high school district centres who, or whose parent or guardian, is a resident of Ontario, but may impose a fee not exceeding \$2 upon each candidate who, or whose parent or guardian, is not a resident of Ontario, at the county or high school district centres, which shall be paid by the candidate as prescribed by the regulations and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board as the case may be.

**16.** Section 55 of *The High Schools Act* is amended by striking out the words "or an officer" in the first line and inserting in lieu thereof the words "officer or other employee of the board", so that the said section shall now read as follows:

Rev. Stat.,  
c. 326, s. 55,  
amended.

Retiring allowance to teachers, officers and employees.

55. Where a teacher, officer or other employee of the board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life, computed on the basis of interest at the rate of four per centum per annum.

Rev. Stat., c. 326, s. 56 (1931, c. 71, s. 13), amended.

17. Section 56 of *The High Schools Act*, as re-enacted by section 13 of *The School Law Amendment Act, 1931*, and amended by section 29 of *The School Law Amendment Act, 1933*, is further amended by adding thereto the following subsection:

Where opening and closing days Friday or Monday.

- (1a) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday.

Rev. Stat., c. 326, amended.

18. *The High Schools Act* is amended by adding thereto the following section:

When trustee not entitled to vote.

- 58a. A trustee who is a shareholder, officer, director, or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between it and the board of which he is a member.

Rev. Stat., c. 246, s. 12, amended.

19. Section 12 of *The Public Libraries Act* is amended by adding after the word "Minister" in the second line the words "any county library association or," so that the said section shall now read as follows:

Agreements for securing public library services.

12. Subject to the regulations and to the approval of the Minister, any county library association or any municipality, police village or school section for which a public library has not been established may enter into an agreement with a public library board for securing public library services.

Rev. Stat., c. 246, s. 14, amended.

20. Section 14 of *The Public Libraries Act* is amended by adding after the word "member" in the second line, the words "or an officer," and by striking out all the words after the word



"section," in the sixth line, so that the said section shall now read as follows:

14. Except as otherwise provided by this Act no person who is a member or an officer of any one of the bodies entitled to appoint shall be qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section. Necessary qualifications for board.

21. Subsection 1 of section 24 of *The Public Libraries Act* is amended by striking out the words "February of" in the first and second lines and by adding after the word "year" in the third line the words "and may be re-elected for one additional year" so that the said subsection shall now read as follows: Rev. Stat., c. 246, s. 24, subs. 1, amended.

- (1) The board shall at the first meeting in each year elect one of its number as chairman, who shall hold office for one year, and may be re-elected for one additional year, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*. Chairman.

22. Subsection 1 of section 25 of *The Public Libraries Act* is amended by adding at the end thereof the words "provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only," so that the said subsection shall now read as follows: Rev. Stat., c. 246, s. 25, subs. 1, amended.

- (1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it may think fit, provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only. Regular meetings.

23. Section 36 of *The Public Libraries Act* is amended by adding at the end thereof the words "and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in each or any year," so that the said section shall now read as follows: Rev. Stat., c. 246, s. 36, amended.

36. Subject to the regulations the Minister upon the application of the board may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is Closing library for limited period.

necessary or expedient, and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in each or any year.

Rev. Stat.,  
c. 323, s. 1,  
cl. f,  
re-enacted.

**24.** Clause *f* of section 1 of *The Public Schools Act* is repealed and the following substituted therefor:

"Elector."

(f) "Elector" shall mean, in a municipality, any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in an unorganized township or in an unsurveyed district "elector" shall mean any person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school.

Rev. Stat.,  
c. 323, s. 6,  
subs. 1,  
amended.

**25.**—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 5 of *The School Law Amendment Act, 1933*, is further amended by striking out all the words after the word "June" in the fifth line, so that the said subsection shall now read as follows:

Terms.

(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Rev. Stat.,  
c. 323, s. 6,  
amended.

(2) The said section 6 is further amended by adding thereto the following subsection:

Where  
opening and  
closing days  
Friday or  
Monday.

(1a) When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday, the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat.,  
c. 323, s. 15,  
subs. 4  
(1928, c. 53,  
s. 2),  
amended.

**26.**—(1) Subsection 4 of section 15 of *The Public Schools Act* as re-enacted by section 2 of *The School Law Amendment Act, 1928*, is amended by inserting after the word "thereafter" in the fourth line, the words, "at the same time and place as the annual municipal elections of the township and," so that the said subsection shall now read as follows:



- (4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter at the same time and place as the annual municipal elections of the township and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section.

Township  
school  
area,—  
election of  
trustees.

- (2) The said section 15 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 323; s. 15,  
amended.

- (7a) It shall not be necessary in township school areas to hold the annual meeting of the electors as required by section 66 of this Act; but for the purposes of the audit of accounts, books and vouchers and the publication of the annual report of the auditors as provided in clause *r* of section 88, the board of a township school area shall be deemed to be an urban board.

Audit of  
accounts and  
publication  
of annual  
report.

- 27.** *The Public Schools Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 323,  
amended.

- 15a.—(1) All rights and claims between the respective parts of a township comprising the several school sections united under a township school board or into a township school area, shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area, as the case may be.
- (2) The Ontario Municipal Board and any referee appointed by it shall have and may exercise such jurisdiction and powers as may be necessary for the purpose of having all or any of the said rights and claims valued, adjusted and determined, and the provisions of *The Ontario Municipal Board Act*, 1932, c. 27, 1932, shall be applicable.
- (3) A referee appointed under this section shall proceed to hear and report to the Ontario Municipal Board upon such rights and claims as the board may, from time to time, make or issue, and he shall

Adjustment  
of claims.

Powers of  
Ontario  
Municipal  
Board and  
referee.

Referee,—  
hearing and  
report by.



Remunera-  
tion.

submit his report to the board within three months after the time of his appointment or within such further time as the board may allow, and every such referee shall be paid for his services, such fee as the board may direct and allow.

Considera-  
tion of  
report of  
referee by  
board.

- (4) Upon the report of a referee being filed with the board, it shall forthwith consider such report and may hear such representations in respect thereof as it may see fit, and before adopting any such report, the said board may refer it back to the referee for his further consideration.

Board may  
vary or  
amend  
report.

- (5) The board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal and it shall be binding upon the township and the ratepayers of such township and of any school section affected thereby.

Special rates  
for adjusting  
claims.

- (6) The council of the township shall annually impose and levy such special rates against the lands assessable therefor as may be directed in any order of the board for the purpose of adjusting the rights and claims of any school section or other area.

By-law,—  
when to  
come into  
force.

- (7) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until such time as the board may by its order direct, and no such order shall be issued until the board has made an order under subsection 5 hereof.

Minister  
to approve  
by-law.

- (8) No by-law passed under the authority of section 14 or 15 of this Act shall come into force or take effect until the Minister has first approved the same, and no order shall be made by the board under subsection 5 until the said approval of the Minister has been obtained.

Rev. Stat.,  
c. 323, s. 42,  
subs. 3,  
amended.

**28.** Subsection 3 of section 42 of *The Public Schools Act* is amended by inserting after the word "assume" in the fourth line the words "or may, by writing, appoint some other person to assume", and by inserting after the word "inspector" in the sixth line the words "or other person appointed by him," so that the said subsection shall now read as follows:

When  
inspector  
or other  
person to act  
as court of  
revision.

- (3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume,

or may, by writing, appoint some other person to assume, the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector, or other person appointed by him, in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2.

**29.** Section 54 of *The Public Schools Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 323, s. 54,  
amended.

- (9) When upon alteration of boundaries of a school section lands are included therein which are taxable property of public school supporters, such lands shall be subject to taxation for school purposes, including debenture rates, of the school section to which they are attached in the same manner and to the same extent as all other taxable property of public school supporters in the school section; provided that if the lands so attached continue liable for debenture rates for the purposes of the school section from which they are detached, they shall during the continuance of such liability be subject only to taxation for school debenture rates in the school section to which they are attached, to the amount by which such last mentioned debenture rates exceed the amount of the debenture rates for which they have continued liable. Lands  
included in  
section by  
reason of  
alteration in  
boundaries  
to be subject  
to taxation.

**30.**—(1) Subsection 1 of section 66 of *The Public Schools Act* is amended by inserting after the word "December" in the third line the words "or if that day is a holiday, on the next day following," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 323, s. 66,  
subs. 1,  
amended.

- (1) A meeting of the electors of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday in December, or if that day is a holiday, on the next day following, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs, at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the school house of the section. Annual  
meeting,—  
when held.

(2) The said section 66 is further amended by adding thereto the following subsection: Rev. Stat.,  
c. 323, s. 66,  
amended.

- (1a) Where the annual meeting of electors of a rural section cannot conveniently be held as provided for Annual  
meeting in  
rural section.

in subsection 1, the electors at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Rev. Stat.,  
c. 323, s. 68,  
subs. 11,  
amended.

**31.** Subsection 11 of section 68 of *The Public Schools Act* is amended by striking out the words "that the election of a trustee" in the second line and inserting in lieu thereof the words "that the proceedings for the election of a trustee", so that the said subsection shall now read as follows:

Complaints  
as to  
elections.

- (11) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

Rev. Stat.,  
c. 323,  
amended.

**32.** *The Public Schools Act* is amended by adding thereto the following section:

Election by  
ballot in  
rural school  
section.

- 68a. In a rural school section where the number of electors exceeds two hundred, the election of school trustees shall be by ballot and shall be held at the same time and place and as nearly as may be in the same manner as an election of members of a municipal council, and the clerk of the township shall be the returning officer at such election, and all the provisions of this Act applicable to the election of school trustees by ballot at the time of the annual



municipal elections shall apply as nearly as may be to the election of trustees under this section.

**33.** Subsection 2 of section 69 of *The Public Schools Act* is amended by adding thereto the following clause:

Rev. Stat.,  
c. 323, s. 69,  
subs. 2,  
amended.

- (b) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property.

Trustee,—  
not eligible  
where taxes  
unpaid.

**34.**—(1) Subsection 2 of section 85 of *The Public Schools Act* is amended by striking out the words "together with the taxes, if any" in the third line, and by adding at the end thereof the words "for the next preceding calendar year" so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 323, s. 85,  
subs. 2  
amended.

- (2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, paid by the parent or guardian to such school, shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year.

Fees of  
non-resident  
pupils.

(2) The said section 85 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 323, s. 85,  
amended.

- (2a) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school.

Average cost  
per pupil,—  
how com-  
puted.

**35.** Clause *o* of section 88 of *The Public Schools Act* is amended by adding thereto the words "and, if deemed expedient, to make contributions to a pension fund for the benefit

Rev. Stat.,  
c. 323, s. 88,  
cl. o,  
amended.

of teachers, inspectors, officers and other employees of the board," so that the said clause shall now read as follows:

Urban boards to pay officials and maintenance expenses, and make contributions to pension fund.

- (o) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board, and, if deemed expedient, to make contributions to a pension fund for the benefit of teachers, inspectors, officers and other employees of the board.

Rev. Stat., c. 323, amended.

**36.**—(1) *The Public Schools Act* is amended by adding thereto the following section:

Costs of legal proceedings.

- 91a. If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Subsection 1 retroactive.

(2) Subsection 1 shall be deemed to have been in force and taken effect from and after the 1st day of January, 1933.

Township grants.

**37.** For the years 1936 and 1937 the sum or sums to be levied and collected by assessment under the provisions of subsections 1 and 2 of section 109 of *The Public Schools Act* shall be eighty per centum only of the respective sums set forth or mentioned in such subsections.

Rev. Stat., c. 323, s. 126, amended.

**38.** Section 126 of *The Public Schools Act* as amended by section 11 of *The School Law Amendment Act, 1930*, is further amended by striking out the words "or officer" in the first line and inserting in lieu thereof the words "officer or other employee", and by striking out the words "or other officer" in the fifth line and inserting in lieu thereof the words "officer or other employee," so that the said section shall now read as follows:

Retiring allowance.

126. Where a teacher, inspector, officer or other employee of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector, officer or other employee, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value

of such annual allowance computed on the basis of interest at the rate of four per centum per annum.

**39.** *The Public Schools Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 323,  
amended.

- 126a.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board. Pension  
fund for  
officers and  
employees of  
board.
- (2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and of investments forming any part thereof and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution. Contribu-  
tions by  
officers and  
employees.
- (3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board. Rights,  
privileges  
and  
liabilities.
- (4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund. Management  
board,—  
powers of.
- (5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same. Contribu-  
tions by  
board.



Amendment  
of resolution  
by board.

- (6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Gifts, etc.—  
investment  
of.

- (7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*.

Rev. Stat.,  
c. 150.

Rev. Stat.,  
c. 323, s. 135,  
amended.

40. Section 135 of *The Public Schools Act* is amended by adding thereto the following subsection:

Complaint  
that trustee  
not qualified  
to act.

- (4) Where a complaint is made in writing to the inspector by any two ratepayers of a rural school section or by the other trustee or trustees thereof, that any trustee of such school section was not, at the time of his election, qualified to be elected, or is not competent to act, or is disqualified from acting, the inspector may file such complaint with the judge of the county or district court and on proof that the complaint is based on fact the judge shall declare the seat vacant, and a new election shall forthwith be held.

Rev. Stat.,  
c. 323, s. 136,  
amended.

41. Section 136 of *The Public Schools Act* is amended by adding thereto the following subsection:

Contracts,  
etc.—  
voting on.

- (2) A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between such company and the board of which he is a member.

Rev. Stat.,  
c. 328, s. 65,  
repealed.

42. Section 65 of *The Separate Schools Act* is repealed.

Rev. Stat.,  
c. 328,  
amended.

43. *The Separate Schools Act* is amended by adding thereto the following section:

Pension  
fund for  
officers and  
employees  
of board.

- 90a.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contribu-  
tions by  
officers and  
employees.

- (2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as

may be requisite to ensure the actuarial soundness of the pension fund and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and of investments forming any part thereof and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such "management in a board, hereinafter referred to as the "management board", constituted as set forth in the resolution.

- (3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board. Rights, privileges and liabilities.
- (4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund. Management board,— powers of.
- (5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same. Contributions by board.
- (6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board. Amendment of resolution by board.
- (7) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. Gifts, etc.— investment of.  
Rev. Stat., c. 150.

**44.—**(1) Subsection 1 of section 91 of *The Separate Schools Act* as amended by section 15 of *The School Law Amendment Act, 1934*, is further amended by striking out all the words after the word "June" in the fifth line, so that the said subsection shall now read as follows: Rev. Stat., c. 328, s. 91, subs. 1, amended.

Terms.

- (1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Rev. Stat.,  
c. 328, s. 91,  
amended.

- (2) The said section 91 is further amended by adding thereto the following subsection:

When  
opening or  
closing days  
Friday or  
Monday.

- (1a) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday.

Rev. Stat.,  
c. 328,  
amended.

- 45.** Section 96 of *The Separate Schools Act* is amended by adding thereto the following subsection:

Costs of  
legal  
proceedings.

- (5) If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or any committee thereof, relating to the employment, suspension or dismissal by the board of any person.

Rev. Stat.,  
c. 331, s. 3,  
subs. 1,  
amended.

- 46.** Subsection 1 of section 3 of *The Teachers' and Inspectors' Superannuation Act* is amended by striking out the words "two and one-half" in the second line and inserting in lieu thereof the words "as from the 1st day of September, 1936, three", so that the said subsection shall now read as follows:

Superannua-  
tion fund for  
inspectors  
and teachers.

- (1) Every teacher and inspector employed in Ontario shall contribute to the Fund as from the 1st day of September, 1936, three per centum of his salary in such manner as may be prescribed by the regulations.

Rev. Stat.,  
c. 331, s. 4,  
re-enacted.

- 47.** Section 4 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Contribu-  
tion by  
Province.

4. The Treasurer of Ontario shall place to the credit of the Fund at such time as shall be prescribed by the regulations, sums equal to two and one-half per centum of the salaries paid to every teacher and inspector employed in Ontario and coming under the provisions of this Act.



48.—(1) Subsection 1 of section 5 of *The Teachers' and Inspectors' Superannuation Act*, as amended by subsection 1 of section 33 of *The School Law Amendment Act, 1933*, and subsection 1 of section 17 of *The School Law Amendment Act, 1934*, is further amended by striking out the words "for the last ten years during which he was employed or of his average salary" in the eleventh and twelfth lines and in the amendment of 1933, and the words "whichever proves to be the greater", in the amendment of 1933, so that the first paragraph of the said subsection shall now read as follows:

Rev. Stat.,  
c. 331, s. 5,  
subs. 1,  
amended.

- (1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least thirty-nine years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the Fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the Fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the Fund, but,—

Annual  
allowance on  
retirement  
after 39 years  
service.

- (2) The provisions of subsection 1 shall have effect from the 1st day of September, 1936.

Commence-  
ment of  
subs. 1.

- (3) Subsection 5 of the said section 5 is amended by striking out the words "four per centum per annum" in the fourth and fifth lines and inserting in lieu thereof the words "the rate paid by the Province of Ontario Savings Office at the time the refund is made," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 331, s. 5,  
subs. 5  
amended.

- (5) Upon the death of a teacher or inspector while engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the Fund during his lifetime with interest at the rate paid by the Province of Ontario Savings Office at the time the refund is made, compounded half-yearly.

Death.

- (4) The said section 5 is further amended by adding thereto the following subsection:

Rev. Stat.,  
c. 331, s. 5,  
amended.

- (9) Any teacher or inspector may be required by the Commission at any time to submit proof of age in such manner as the Commission may designate.

Proof of  
age.

Rev. Stat.,  
c. 331, s. 6,  
amended.

49.—(1) Section 6 of *The Teachers' and Inspectors' Superannuation Act*, as amended by section 22 of *The School Law Amendment Act, 1930*, is further amended by striking out all the words after the word "thereon" in the fourth line and inserting in lieu thereof the words "and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund," so that the said section shall now read as follows:

Return of  
contribution  
on retire-  
ment after  
five years  
service.

6. Subject to the regulations, a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the Fund together with interest thereon, and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund.

Rev. Stat.,  
c. 331, s. 6,  
amended.

(2) The said section 6 is further amended by adding thereto the following subsections:

Repayment  
on resuming  
teaching.

- (2) Where a teacher or inspector has withdrawn his contributions from the Fund and subsequently resumes work as a teacher or inspector, he shall repay with interest at the rate of four and three-quarters per centum per annum the money so withdrawn.

Where  
money  
owing to  
Fund.

- (3) Where a teacher or inspector has become in debt to the Fund, he shall not be entitled to any benefits from the Fund until he has repaid the debt or made an arrangement to do so approved by the Commission.

Rev. Stat.,  
c. 331, s. 7,  
amended.

50. Section 7 of *The Teachers' and Inspectors' Superannuation Act*, as amended by section 34 of *The School Law Amendment Act, 1933*, is further amended by striking out the words, "at the rate of three per centum per annum" in the amendment of 1933, and inserting in lieu thereof the words, "at the rate paid by the Province of Ontario Savings Office at the time the refund is made" so that the said section shall now read as follows:

Death after  
becoming  
entitled to  
superannua-  
tion  
allowance.

7. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 5 his personal representatives shall



be entitled to receive out of the Fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the Fund with interest thereon at the rate paid by the Province of Ontario Savings Office at the time the refund is made.

**51.** Section 13 of *The Teachers' and Inspectors' Super-annuation Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 331, s. 13,  
amended.

- (5) Each member of the Commission shall continue to hold office until his successor is duly appointed, or elected, as the case may be. Tenure of  
office.

**52.**—(1) Subsection 2 of section 13 of *The Vocational Education Act, 1930*, is amended by striking out the words "employ teachers and fix their salaries," in the second line, and inserting in lieu thereof the words "select teachers and determine a schedule of salaries," so that the said subsection shall now read as follows: 1930, c. 64,  
s. 13, subs. 2,  
amended.

- (2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control. Selection of  
teachers.

(2) Subsections 5 and 6 of the said section 13 are amended by inserting after the word "Minister" in the first line of each of the said subsections the words "and the board." 1930,  
c. 64, s. 13,  
subs. 5, 6,  
amended.

- (3) Subsection 7 of the said section 13 is repealed. 1930, c. 64,  
s. 13, subs. 7,  
repealed.

**53.**—(1) Subsection 3 of section 14 of *The Vocational Education Act, 1930*, is amended by striking out the words "in the same manner as in the case of such pupils in attendance at high schools" at the end of the said subsection and inserting in lieu thereof the words "as provided in sections 34, 35 and 37 of *The High Schools Act*," so that the said subsection shall now read as follows: 1930, c. 64,  
s. 14, subs. 3,  
amended.

- (3) Grants towards the cost of education of county pupils, as defined in section 1 of *The High Schools Act*, in attendance at vocational schools or depart- County  
council's  
grant for  
county  
pupils.



ments shall be made by county councils as provided in sections 34, 35 and 37 of *The High Schools Act*.

1930, c. 64,  
s. 14,  
amended.

(2) The said section 14 is further amended by adding thereto the following subsection:

Provisions of  
Rev. Stat.,  
cc. 327, 326,  
to apply.

(4) Where not inconsistent with the provisions of this Act, *The Boards of Education Act* and *The High Schools Act* shall apply in all matters concerning the operation and management of a vocational school or department, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational schools or departments, and in any other matters whatsoever.

Commence-  
ment of Act.

**54.** This Act, other than section 14, shall come into force on the day upon which it receives the Royal Assent. Section 14 shall come into force on the 1st day of January, 1937.



The School Law Amendment Act, 1936.

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*1st Reading*

March 30th, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. SIMPSON

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act for granting to His Majesty certain sums of money for the  
Public Service of the financial year ending the 31st day of March, 1937.

---

MR. HEPBURN

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# BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1937.

MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS it appears by message from The Honourable Herbert Alexander Bruce, a Colonel in the Royal Army Medical Corps, F.R.C.S. (Eng.), Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1937, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$51,034,925.50  
granted for  
fiscal year  
1936-37.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Fifty-one million thirty-four thousand nine hundred and twenty-five dollars and fifty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1936, to the 31st day of March, 1937, as set forth in schedule "A" to this Act.

Accounts  
to be laid  
before  
Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1936-37 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appro-  
priations for  
1936-37  
unexpended  
to lapse.

3. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1937, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances

remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for <sup>Accounting for</sup> expenditure. to His Majesty.

5. This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent. <sup>ment of Act.</sup>



## SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven, to defray expenses of:

Agriculture Department.....	\$1,969,500.00
Attorney-General's Department..	2,261,900.00
Education Department.....	9,082,700.00
Game and Fisheries Department.	535,000.00
Health Department.....	7,651,000.00
Highways Department.....	577,110.00
Insurance Department.....	66,075.00
Labour Department.....	397,116 30
Lands and Forests Department..	2,127,325.00
Legislation.....	263,900.00
Lieutenant-Governor's Office.....	8,000.00
Mines Department.....	342,003.60
Municipal Affairs Department....	83,125.00
Northern Development Depart- ment.....	2,500,000.00
Prime Minister's Department....	132,470.00
Provincial Auditor's Office.....	112,300.00
Provincial Secretary's Depart- ment.....	1,642,100.00
Provincial Treasurer's Depart- ment.....	1,380,086.60
Public Welfare Department.....	18,602,414.00
Public Works Department.....	990,800.00
Miscellaneous.....	310,000.00

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Total estimates for expenditure of 1936-  
1937.....\$51,034,925.50







An Act for granting to His Majesty certain  
sums of money for the Public  
Service of the financial year  
ending the 31st day of  
March, 1937

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 1st, 1936

*3rd Reading*

April 1st, 1936

---

MR. HEPBURN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Minimum Wage Act.

---

MR. CROLL

---



No. 122

1936

# BILL

## An Act to amend The Minimum Wage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Minimum Wage Amendment Act, 1936*.

Rev. Stat.  
c. 277, s. 3,  
amended.

2. Section 3 of *The Minimum Wage Act* is amended by striking out the words "the chairman" in the second line and inserting in lieu thereof, the words "all the members," so that the said section shall now read as follows:

Chairman.

Term of  
office of  
members.

3. The Lieutenant-Governor in Council shall name one member of the Board as chairman and all the members of the Board shall hold office during pleasure.

Rev. Stat.  
c. 277, s. 4,  
re-enacted.

3. Section 4 of *The Minimum Wage Act*, as amended by subsection 2 of section 25 of *The Statute Law Amendment Act, 1933*, is repealed and the following substituted therefor:

Appoint-  
ment of staff.

4. The Lieutenant-Governor in Council may appoint such officers, inspectors and employees as he may deem necessary for the purposes of this Act.

Rev. Stat.  
c. 277, s. 6,  
repealed.

4. Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat.  
c. 277, s. 7,  
repealed.

5. Section 7 of *The Minimum Wage Act* is repealed and the following substituted therefor:

Remunera-  
tion and  
expenses.

7. The members of the Board shall be paid such compensation or remuneration for their services as may be determined by the Lieutenant-Governor in Council, and every member of the Board shall be entitled to his reasonable and necessary travelling and living expenses as certified by the chairman of the Board.

Rev. Stat.  
c. 277, s. 11,  
subs. 2,  
amended.

6.—(1) Subsection 2 of section 11 of *The Minimum Wage Act* is amended by striking out the words "or part-time" in the third line.

#### EXPLANATORY NOTES

Section 2. The members of Board are appointed for indefinite terms, to hold office during the pleasure of the Lieutenant-Governor in Council as is the case with other similar boards.

Section 3. Appointment of officers and staff is provided for by the Act rather than by regulation.

Section 5. The Board's operations have increased so largely that full-time service is entailed. The per diem allowance thus becomes excessive and this section provides for payment of salaries rather than allowance.

Section 6.—(1) The words struck out are unnecessary, since part-time wages are now provided for in an earlier subsection.

Rev. Stat.  
c. 277, s. 11,  
amended.

(2) The said section 11, as amended by section 14 of *The Statute Law Amendment Act, 1929*, and by section 2 of *The Minimum Wage Act, 1934*, is further amended by adding thereto the following subsections:

Payment by  
cash or  
cheque.

- (8) Except as provided in the orders of the Board, or with the written permission of the Board, payment of the full amount of the minimum wage due an employee shall be made only in cash or by cheque payable at par at the place where the work is performed by the employee.

Agreements  
for lower  
wages and  
refunds void.

- (9) It shall not be competent for an employee to agree with an employer to waive or to forego any provisions of this Act, and every such agreement shall be void, nor shall it be competent for any employer to enter into any agreement, arrangement or undertaking with an employee or with any other person which shall result in the whole or any part of the wages paid to an employee or to the Minimum Wage Board on behalf of an employee, being returned to the employer either directly or indirectly, and every such agreement, arrangement, or undertaking shall be void and the entering into of any such agreement, arrangement or undertaking by the employer shall be deemed to be an offence by the employer.

Rev. Stat.  
c. 277, s. 21,  
subs. 1,  
re-enacted.

7.—(1) Subsection 1 of section 21 of *The Minimum Wage Act*, as amended by subsection 1 of section 5 of *The Minimum Wage Act, 1932*, and by subsection 1 of section 3 of *The Minimum Wage Act, 1934*, is repealed and the following substituted therefor:

Penalties  
and pay-  
ment of  
arrears.

- (1) Every employer who contravenes the provisions of section 11 or any order of the Board regarding wages or hours of work shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$500 for each employee affected, and in default of payment to imprisonment for a period not exceeding six months and in addition thereto shall, upon conviction, be ordered to pay to the Board on behalf of the employee affected, the difference between the wages actually paid and those established by the Board for the full period of such violation, but not exceeding a total period of one year, and in default of payment shall be liable to imprisonment for a term of not less than ten days and not exceeding six months.

Rev. Stat.  
c. 277, s. 21,  
subs. 2,  
re-enacted.

(2) Subsection 2 of the said section 21 is repealed and the following substituted therefor:

(2) This is designed to offset a prevalent evasion of the Act. Many employees are paid partly in cash and partly in credits, with resultant abuses. The new section necessitates full payment in cash.

Section 7.—(1) The penalty clause is re-written in improved wording without change in effect.

(2) As in most similar legislation, a general penalty clause is necessary covering offences against the Act for which no specific penalty is provided.



General  
penalties.

- (2) Every person who violates any of the provisions of this Act or the regulations or any order of the Board made thereunder for which no other penalty is provided shall be guilty of an offence, and liable to a penalty of not less than \$10 and not exceeding \$100, or to a term of imprisonment not exceeding thirty days, or to both.

Rev. Stat.  
c. 277, s. 21,  
subs. 6,  
(1934, c. 31,  
s. 3, subs. 4)  
amended.

- (3) Subsection 6 of the said section 21 as amended by subsection 4 of section 3 of *The Minimum Wage Act, 1934*, is further amended by striking out the words "and not less than two months" in the third and fourth lines, so that the said subsection shall now read as follows:

Imprison-  
ment.

- (6) Any employer convicted of a second or subsequent offence under subsection 1 or 5 may be imprisoned for a period not exceeding six months.

Rev. Stat.  
c. 277  
amended.

8. *The Minimum Wage Act* is amended by adding thereto the following section:

Settlement  
of claim for  
wages.

- 21a.—(1) The Board or any member thereof, or any person designated by the Board, may negotiate for the settlement between an employer and an employee of any claim for wages or any portion thereof, required to be paid under the provisions of any order of the Board.

Failure to  
comply with  
terms of  
settlement.

- (2) Where a settlement has been reached and a memorandum setting forth the terms of such settlement has been signed by the employer, if the employer fails to carry out the provisions of the settlement, a magistrate may, upon the application of the Board, make an order for the payment of such amount as may remain unpaid under the terms of the settlement.

Penalty.

- (3) Any employer who fails to carry out the provisions of any such order shall be liable to a penalty not exceeding an amount equal to the amount remaining unpaid under such order plus an amount of not less than \$10 and not exceeding \$100.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

(3) In practice, minimum penalties hitherto have been found to be too severe.

Section 8. Legal justification is given to the customary practice whereby the Board attempts to negotiate settlement of claims rather than to launch prosecution immediately upon discovery of a violation.



BILL

An Act to amend The Minimum  
Wage Act.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

---

MR. GROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Minimum Wage Act.

---

MR. CROLL

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# BILL

## An Act to amend The Minimum Wage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Minimum Wage Amendment Act, 1936*.

Rev. Stat.  
c. 277, s. 3,  
amended.

**2.** Section 3 of *The Minimum Wage Act* is amended by striking out the words "the chairman" in the second line and inserting in lieu thereof, the words "all the members," so that the said section shall now read as follows:

Chairman.  
Term of  
office of  
members.

**3.** The Lieutenant-Governor in Council shall name one member of the Board as chairman and all the members of the Board shall hold office during pleasure.

Rev. Stat.  
c. 277, s. 4,  
re-enacted.

**3.** Section 4 of *The Minimum Wage Act*, as amended by subsection 2 of section 25 of *The Statute Law Amendment Act, 1933*, is repealed and the following substituted therefor:

Appoint-  
ment of staff.

**4.** The Lieutenant-Governor in Council may appoint such officers, inspectors and employees as he may deem necessary for the purposes of this Act.

Rev. Stat.  
c. 277, s. 6,  
repealed.

**4.** Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat.  
c. 277, s. 7,  
re-enacted.

**5.** Section 7 of *The Minimum Wage Act* is repealed and the following substituted therefor:

Remunera-  
tion and  
expenses.

**7.** The members of the Board shall be paid such compensation or remuneration for their services as may be determined by the Lieutenant-Governor in Council, and every member of the Board shall be entitled to his reasonable and necessary travelling and living expenses as certified by the chairman of the Board.

Rev. Stat.  
c. 277, s. 11,  
subs. 2,  
amended.

**6.—(1)** Subsection 2 of section 11 of *The Minimum Wage Act* is amended by striking out the words "or part-time" in the third line.

(2) The said section 11, as amended by section 14 of *The Statute Law Amendment Act, 1929*, and by section 2 of *The Minimum Wage Act, 1934*, is further amended by adding thereto the following subsections:

(8) Except as provided in the orders of the Board, or with the written permission of the Board, payment of the full amount of the minimum wage due an employee shall be made only in cash or by cheque payable at par at the place where the work is performed by the employee.

Payment by cash or cheque.

(9) It shall not be competent for an employee to agree with an employer to waive or to forego any provisions of this Act, and every such agreement shall be void, nor shall it be competent for any employer to enter into any agreement, arrangement or undertaking with an employee or with any other person which shall result in the whole or any part of the wages paid to an employee or to the Minimum Wage Board on behalf of an employee, being returned to the employer either directly or indirectly, and every such agreement, arrangement, or undertaking shall be void and the entering into of any such agreement, arrangement or undertaking by the employer shall be deemed to be an offence by the employer.

Agreements for lower wages and refunds void.

7.—(1) Subsection 1 of section 21 of *The Minimum Wage Act*, as amended by subsection 1 of section 5 of *The Minimum Wage Act, 1932*, and by subsection 1 of section 3 of *The Minimum Wage Act, 1934*, is repealed and the following substituted therefor:

Rev. Stat. c. 277, s. 21, subs. 1, re-enacted.

(1) Every employer who contravenes the provisions of section 11 or any order of the Board regarding wages or hours of work shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$500 for each employee affected, and in default of payment to imprisonment for a period not exceeding six months and in addition thereto shall, upon conviction, be ordered to pay to the Board on behalf of the employee affected, the difference between the wages actually paid and those established by the Board for the full period of such violation, but not exceeding a total period of one year, and in default of payment shall be liable to imprisonment for a term of not less than ten days and not exceeding six months.

Penalties and payment of arrears.

(2) Subsection 2 of the said section 21 is repealed and the following substituted therefor:

Rev. Stat. c. 277, s. 21, subs. 2, re-enacted.



General  
penalties.

- (2) Every person who violates any of the provisions of this Act or the regulations or any order of the Board made thereunder for which no other penalty is provided shall be guilty of an offence, and liable to a penalty of not less than \$10 and not exceeding \$100, or to a term of imprisonment not exceeding thirty days, or to both.

Rev. Stat.  
c. 277, s. 21,  
subs. 6,  
(1934, c. 31,  
s. 3, subs. 4)  
amended.

- (3) Subsection 6 of the said section 21 as enacted by subsection 4 of section 3 of *The Minimum Wage Act, 1934*, is amended by striking out the words "and not less than two months" in the third and fourth lines, so that the said subsection shall now read as follows:

Imprison-  
ment.

- (6) Any employer convicted of a second or subsequent offence under subsection 1 or 5 may be imprisoned for a period not exceeding six months.

Rev. Stat.  
c. 277  
amended.

8. *The Minimum Wage Act* is amended by adding thereto the following section:

Settlement  
of claim for  
wages.

- 21a.—(1) The Board or any member thereof, or any person designated by the Board, may negotiate for the settlement between an employer and an employee of any claim for wages or any portion thereof, required to be paid under the provisions of any order of the Board.

Failure to  
comply with  
terms of  
settlement.

- (2) Where a settlement has been reached and a memorandum setting forth the terms of such settlement has been signed by the employer, if the employer fails to carry out the provisions of the settlement, a magistrate may, upon the application of the Board, make an order for the payment of such amount as may remain unpaid under the terms of the settlement.

Penalty.

- (3) Any employer who fails to carry out the provisions of any such order shall be liable to a penalty not exceeding an amount equal to the amount remaining unpaid under such order plus an amount of not less than \$10 and not exceeding \$100.

Commence-  
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Minimum Wage Act.

*1st Reading*

April 1st, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 8th, 1936

Mr. CROLL

No. 123

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Workmen's Compensation Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.     **1.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1936*.

Rev. Stat.  
c. 179, s. 49,  
subs. 1,  
amended.     **2.**—(1) Subsection 1 of section 49 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 2 of *The Workmen's Compensation Act, 1932*, is further amended by inserting after the words "dental aid" in the fourth line the words "the aid of drugless practitioners registered under *The Drugless Practitioners Act*" so that the said subsection shall now read as follows:

Professional  
aid in case  
of injury.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act* and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair for a period of one year.

Rev. Stat.  
c. 179, s. 49,  
subs. 2,  
amended.

- (2) Subsection 2 of the said section 49, as amended by subsection 2 of section 2 of *The Workmen's Compensation Act, 1932*, is further amended by inserting after the words "dental aid" in the second line the words "the aid of drugless practitioners registered under *The Drugless Practitioners Act*" so that the said subsection shall now read as follows:

"Medical  
aid."

- (2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless prac-

#### EXPLANATORY NOTE

Section 2 entitles disabled workmen to the aid of drugless practitioners, where such aid is appropriate, on the same terms as they are now entitled to medical and other aid.



tioners registered under *The Drugless Practitioners Act* and hospital and skilled nursing services and the artificial member or members and apparatus and repair above mentioned.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Workmen's  
Compensation Act.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

---

MR. SCHWENGER

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Insurance Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Insurance Amendment Act, 1936*.

Rev. Stat.,  
c. 222, s. 132,  
(1935,  
c. 29, s. 9),  
re-enacted.      **2.** Section 132 of *The Insurance Act* as re-enacted by section 9 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Meaning of  
"heirs" and  
"next of  
kin."

132.—(1) Except in the case of contracts of fraternal societies entered into prior to the first day of January, 1937, where by a contract or declaration the insured appoints as beneficiaries or appoints or apportions insurance money to his "heirs," "legal heirs," "lawful heirs" or "next of kin," the appointment or apportionment shall be deemed to be for the benefit of the estate of the insured.

(2) In the case of contracts of fraternal societies entered into prior to the first day of January, 1937, where by a contract or declaration the insured appoints as beneficiaries or appoints or apportions insurance money to his "heirs," "legal heirs," "lawful heirs," or "next of kin" the appointment or apportionment shall be deemed to be in favour of the persons provided by the law of the province, state or country in which the insured was domiciled at the time of his death respecting the distribution of the personal property of an intestate, and the insurance money so appointed or apportioned shall be paid to those persons in the shares provided by that law, and the insurance money shall not form part of the estate of the insured.

Rev. Stat.,  
c. 222, s. 141,  
re-enacted.      **3.** Section 141 of *The Insurance Act* is repealed and the following substituted therefor:

## EXPLANATORY NOTES

General. The Bill contains only amendments to Part V of *The Insurance Act* respecting life insurance recommended by the Eighteenth Annual Conference of the Association of Superintendents of Insurance of the Provinces of Canada held in Winnipeg, Manitoba, in September, 1935. Part V contains the so-called Uniform Life Insurance Act which has been uniformly in force in all provinces of Canada except Quebec since 1925 and upon the systematic revision of which the Association has been engaged for upwards of five years.

Last year the provinces of British Columbia, Manitoba, New Brunswick, Ontario and Prince Edward Island uniformly enacted thirty-odd different amendments to Part V recommended by the Seventeenth Inter-provincial Insurance Conference a year earlier to be proclaimed effective on a date to be agreed upon among the provinces. See Statutes of Ontario, 1935, chapter 29, sections 2-29 inclusive. Because the provinces of Alberta, Saskatchewan and Nova Scotia did not consider the said amendments last year and because half a dozen further minor amendments seemed desirable, the amendments enacted by Ontario and other provinces last year have not yet been proclaimed in force in any province.

The further amendments now presented are already before or are anticipated to be presented to the Legislatures of all other provinces except Quebec within the next ten days. In Saskatchewan they were consolidated in one bill with the amendments Ontario adopted last year and have received third reading; they have already received at least two readings in British Columbia, Alberta and Manitoba. There is every reason to hope that all eight provinces will enact all the amendments recommended this year and that they can be proclaimed effective in all provinces on a date to be agreed upon, say, July 1st, 1936.

Section 2. Section 2 of the Bill repeals section 132 as enacted last year and substitutes a new section. The amendment arises directly out of the decision in *re Harper*, a Prince Edward Island case reported in (1935) 2 D.L.R. 634, and on appeal in (1935) 2 Insurance Law Reporter 375. The necessity for some amendment was indicated by the fact that the Court of Appeal was not unanimous and that, therefore, the law was not clear. Prior to this decision Canadian fraternal benefit societies had assumed that their certificates payable to "legal heirs" enjoyed the same protection as though they were payable to designated preferred beneficiaries, *i.e.*, the son in the Harper case. As a matter of fact the Constitution and By-laws of many fraternal societies expressly provide that the protection afforded by the society's certificates is for the benefit of widows and children of members. The Conference concluded to recommend that the law be settled as shown in the Bill.

Section 3. Section 141 of the Act provides that beneficiaries for value and assignees for value, immediately upon becoming such, "shall have a vested interest in the policy" but there is no provision to determine priority rights or to require the filing of notice with the insurer. The new section is designed to remove this objection.

Right of  
beneficiary  
for value  
or assignee  
for value.

141. A beneficiary for value and an assignee for value of a policy shall have a vested interest in the policy; but except as regards beneficiaries for value who are expressly stated to be or described as beneficiaries for value in the policy, a beneficiary for value or assignee for value who gives notice in writing of his interest in the policy to the insurer at the head or principal office of the insurer in Canada prior to any other beneficiary for value or assignee for value shall have priority of interest as against such last mentioned beneficiary or assignee.

Rev. Stat.,  
c. 222, s. 142,  
subs. 2  
(1935,  
c. 29, s. 12),  
re-enacted.

4. Subsection 2 of section 142 of *The Insurance Act* as re-enacted by section 12 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Power of  
insured to  
deal with  
contract by  
declaration  
or  
otherwise.

- (2) A declaration contained in a will shall as against a subsequent declaration be deemed to have been made at the date of the will and not as if it had been made immediately before the death of the testator, provided that a declaration contained in a will shall not affect the rights or interest of any beneficiary for value or assignee for value who became such beneficiary for value or assignee for value subsequent to the date of the will unless a copy of the will or of the paragraph containing the declaration duly verified by statutory declaration has been filed with the insurer at its head or principal office in Canada prior to the time when the beneficiary for value or assignee for value acquired his interest in the policy.

Rev. Stat.,  
c. 222, s. 149,  
subs. 3,  
amended.

5. Subsection 3 of section 149 of *The Insurance Act* is amended by inserting after the word "receives" in the first line thereof, the words "at its head or principal office in Canada," so that the said subsection shall now read as follows:

- (3) Until the insurer receives at its head or principal office in Canada notice in writing of the Act of Parliament, judgment, decree or order granting the divorce, it may deal with the insurance money in the same manner and with the same effect as if no divorce had been granted, and before paying the insurance money, the insurer shall be entitled to receive the original judgment, order or decree or a duly verified copy thereof, or a duly verified copy of the Act of Parliament, or a copy thereof printed by the King's Printer, as the case may be.

Section 4. The amendment recommended by section 4 carries out the principle of new section 141 so that the priority of a beneficiary for value or assignee for value as against a beneficiary under a will prior in date will depend on notice of the will having been filed with the insurer.

Section 5. Section 5 amends section 149 (3) to make it clear that notices, etc., must be received at the head or principal office in Canada. In order that the Act may be consistent throughout and all notices be required to be given to, and insurance money required to be paid at, the head or principal office of an insurer in Canada, section 149 (3) as well as sections 157 (1) and 159 (2) are being uniformly amended. See sections 7 and 9 of the Bill. The necessity for these changes arises out of the terms of new section 141. See section 3 of the Bill.



Rev. Stat., c. 222, s. 156, subs. 2, (1935, c. 29, s. 22), re-enacted.

**6.** Subsection 2 of section 156 of *The Insurance Act* as re-enacted by section 22 of *The Insurance Amendment Act, 1935*, is repealed.

Rev. Stat., c. 222, s. 157, subs. 1, amended.

**7.** Subsection 1 of section 157 of *The Insurance Act* is amended by inserting after the word "receives" in the first line the words "at its head or principal office in Canada," so that the said subsection shall now read as follows:

Payments by insurer without notice of change in title to insurance money.

- (1) Until the insurer receives at its head or principal office in Canada notice in writing of the making of an order declaring a beneficiary disentitled to insurance money, or of any instrument in writing affecting the insurance money or any part thereof or of the appointment or the revocation of the appointment of a trustee, it may make any payment which would have been lawful and valid except for such order, instrument in writing, appointment or revocation of appointment, and before making any payment in pursuance or under the authority of such order, instrument in writing, appointment or revocation of appointment, it shall be entitled to receive the original or a true copy thereof.

Rev. Stat., c. 222, amended.

**8.** *The Insurance Act* is amended by adding thereto the following section:

Insurer not liable for giving or withholding certain information.

- 157a. The insurer shall not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument in writing affecting the insurance money which the insurer has received.

Rev. Stat., c. 222, s. 159, subs. 2, (1935, c. 29, s. 24), re-enacted.

**9.** Subsection 2 of section 159 of *The Insurance Act* as re-enacted by section 24 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Time, place and manner of payment.

- (2) Insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death; or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Rev. Stat., c. 222, s. 164, subs. 1, (1935, c. 29, s. 28), re-enacted.

**10.** Subsection 1 of section 164 of *The Insurance Act* as re-enacted by section 28 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Payment of share of persons under disability.

- (1) Where no trustee is appointed to receive the share to which a minor or other person under disability

Section 6. The only change is the repeal of subsection 2 of section 156 newly enacted last year (and not in force) respecting the validity of testamentary disposition which the Interprovincial Conference has concluded should be withdrawn.

Section 7. See note to section 5.

Section 8. Section 8 should be read with sections 3 and 4 of the Bill because they undertake to establish priority rights on the basis of notices, etc., filed with the insurer. Insurers could protect themselves by denying all requests for information from prospective assignees for value, etc., but it is desirable that they should be encouraged to give such information freely in proper cases and this section affords them proper protection.

Section 9. See note to Section 4.

Section 10. Under the Act now in force the last words of subsection 1 of section 154 read, "under the law of this province." Last year the section was revised and the words "by the court" substituted therefor. The amendment restores the former language which is not open to the objection that in some provinces letters of guardianship, etc., are granted by a Surrogate Court and not by the Supreme Court which "court" is defined to mean by section 119 of the Act.



is entitled, or where a trustee is named but refuses or neglects to act or dies or otherwise becomes incapable of acting, the share of the minor or other person under disability may be paid to a guardian or tutor or trustee of the minor or to a curator, committee or trustee of such other person under disability duly appointed under the law of this province.

Rev. Stat.,  
c. 222, s. 165,  
subs. 1  
(1935,  
c. 29, s. 29),  
re-enacted.

**11.** Subsection 1 of section 165 of *The Insurance Act* as re-enacted by section 29 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

When  
insurer may  
apply  
for payment  
into Court.

(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that:

- (a) there are adverse claimants; or
- (b) the place of abode of a person entitled is unknown; or,
- (c) there is no person capable of giving or authorized to give, a valid discharge;

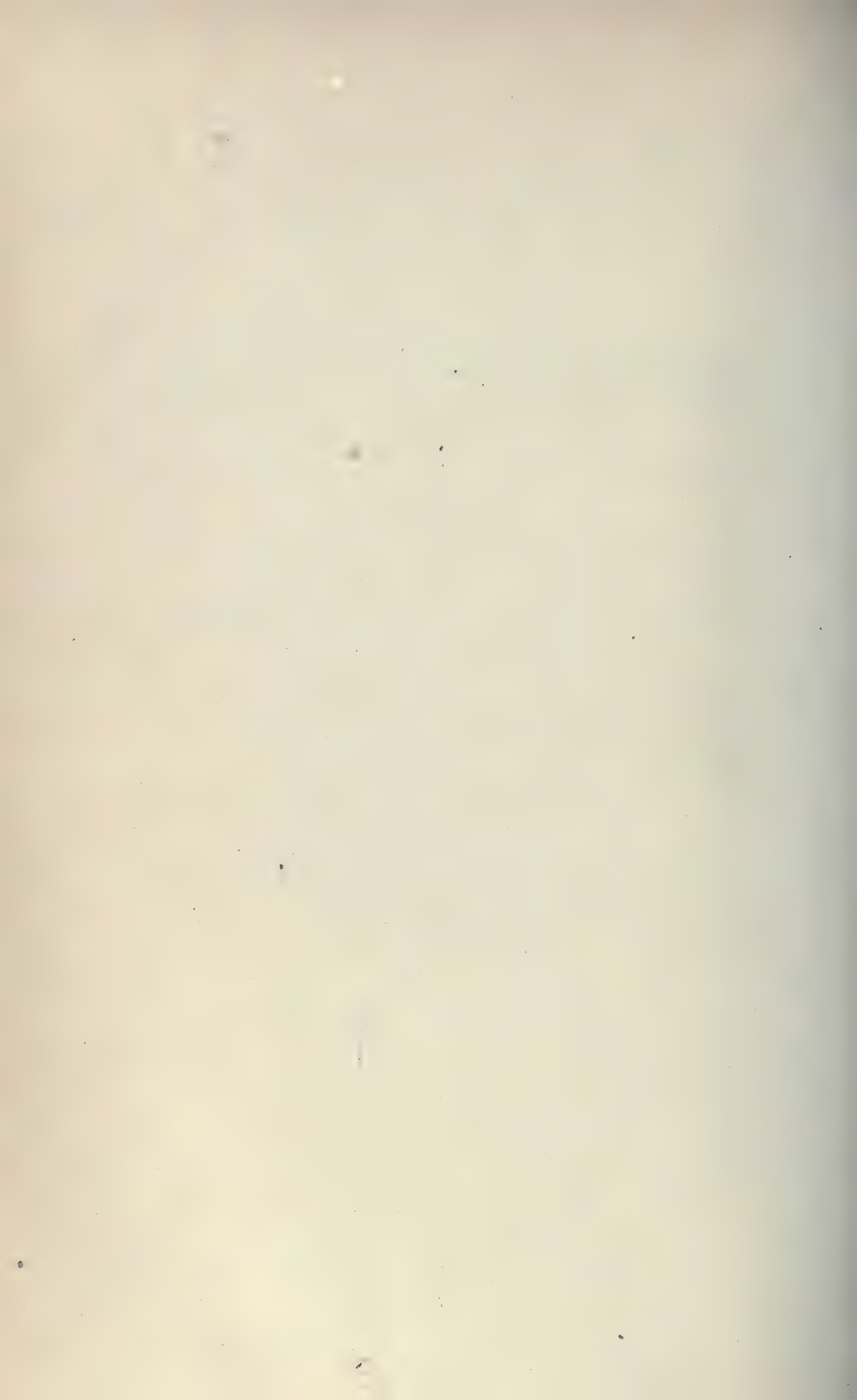
the insurer may, at any time after the expiration of one month from the maturity of the contract, apply to the Court for an order for payment of the money into Court, and the Court may upon such notice (if any) as it thinks necessary make an order accordingly, and such application shall in the first instance be made *ex parte*.

Commence-  
ment of Act.

**12.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 11. In a Saskatchewan case the point arose whether an insurer might apply *ex parte* for an order for payment into court and Saskatchewan added the words embodied in section 11 of the Bill to remove doubt. Of course, the court can require notice to all parties although the application is first made *ex parte*.

Section 12. See introductory note.





BILL

An Act to amend The Insurance Act.

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*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Insurance Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Insurance Amendment Act, 1936*.

Rev. Stat., c. 222, s. 132, (1935, c. 29, s. 9), re-enacted.      **2.** Section 132 of *The Insurance Act* as re-enacted by section 9 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Meaning of "heirs" and "next of kin."

132.—(1) Except in the case of contracts of fraternal societies entered into prior to the 1st day of January, 1937, where by a contract or declaration the insured appoints as beneficiaries or appoints or apports insurance money to his "heirs," "legal heirs," "lawful heirs" or "next of kin," the appointment or apportionment shall be deemed to be for the benefit of the estate of the insured.

(2) In the case of contracts of fraternal societies entered into prior to the 1st day of January, 1937, whereby a contract or declaration the insured appoints as beneficiaries or appoints or apports insurance money to his "heirs," "legal heirs," "lawful heirs," or "next of kin" the appointment or apportionment shall be deemed to be in favour of the persons provided by the law of the province, state or country in which the insured was domiciled at the time of his death respecting the distribution of the personal property of an intestate, and the insurance money so appointed or apportioned shall be paid to those persons in the shares provided by that law, and the insurance money shall not form part of the estate of the insured.

Rev. Stat., c. 222, s. 141, re-enacted.      **3.** Section 141 of *The Insurance Act* is repealed and the following substituted therefor:

141. A beneficiary for value and an assignee for value of a policy shall have a vested interest in the policy; but except as regards beneficiaries for value who are expressly stated to be or described as beneficiaries for value in the policy, a beneficiary for value or assignee for value who gives notice in writing of his interest in the policy to the insurer at the head or principal office of the insurer in Canada prior to any other beneficiary for value or assignee for value shall have priority of interest as against such last mentioned beneficiary or assignee.

4. Subsection 2 of section 142 of *The Insurance Act* as re-enacted by section 12 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Right of beneficiary for value or assignee for value.

Rev. Stat., c. 222, s. 142, subs. 2 (1935, c. 29, s. 12), re-enacted.

- (2) A declaration contained in a will shall as against a subsequent declaration be deemed to have been made at the date of the will and not as if it had been made immediately before the death of the testator, provided that a declaration contained in a will shall not affect the rights or interest of any beneficiary for value or assignee for value who became such beneficiary for value or assignee for value subsequent to the date of the will unless a copy of the will or of the paragraph containing the declaration duly verified by statutory declaration has been filed with the insurer at its head or principal office in Canada prior to the time when the beneficiary for value or assignee for value acquired his interest in the policy.

Power of insured to deal with contract by declaration or otherwise.

5. Subsection 3 of section 149 of *The Insurance Act* is amended by inserting after the word "receives" in the first line thereof, the words "at its head or principal office in Canada," so that the said subsection shall now read as follows:

Rev. Stat., c. 222, s. 149, subs. 3, amended.

- (3) Until the insurer receives at its head or principal office in Canada notice in writing of the Act of Parliament, judgment, decree or order granting the divorce, it may deal with the insurance money in the same manner and with the same effect as if no divorce had been granted, and before paying the insurance money, the insurer shall be entitled to receive the original judgment, order or decree or a duly verified copy thereof, or a duly verified copy of the Act of Parliament, or a copy thereof printed by the King's Printer, as the case may be.

Notice of divorce.

Rev. Stat.,  
c. 222, s. 156  
subs. 2,  
(1935,  
c. 29, s. 22),  
repealed.

**6.** Subsection 2 of section 156 of *The Insurance Act* as re-enacted by section 22 of *The Insurance Amendment Act, 1935*, is repealed.

Rev. Stat.,  
c. 222, s. 157,  
subs. 1,  
amended.

**7.** Subsection 1 of section 157 of *The Insurance Act* is amended by inserting after the word "receives" in the first line the words "at its head or principal office in Canada," so that the said subsection shall now read as follows:

Payments  
by insurer  
without  
notice of  
change in  
title to  
insurance  
money.

- (1) Until the insurer receives at its head or principal office in Canada notice in writing of the making of an order declaring a beneficiary disentitled to insurance money, or of any instrument in writing affecting the insurance money or any part thereof or of the appointment or the revocation of the appointment of a trustee, it may make any payment which would have been lawful and valid except for such order, instrument in writing, appointment or revocation of appointment, and before making any payment in pursuance or under the authority of such order, instrument in writing, appointment or revocation of appointment, it shall be entitled to receive the original or a true copy thereof.

Rev. Stat.,  
c. 222,  
amended.

**8.** *The Insurance Act* is amended by adding thereto the following section:

Insurer  
not liable  
for giving  
or with-  
holding  
certain  
information.

- 157a. The insurer shall not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument in writing affecting the insurance money which the insurer has received.

Rev. Stat.,  
c. 222, s. 159,  
subs. 2  
(1935,  
c. 29, s. 24),  
re-enacted.

**9.** Subsection 2 of section 159 of *The Insurance Act* as re-enacted by section 24 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Time,  
place and  
manner of  
payment.

- (2) Insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death; or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Rev. Stat.,  
c. 222, s. 164,  
subs. 1  
(1935),  
c. 29, s. 28),  
re-enacted.

**10.** Subsection 1 of section 164 of *The Insurance Act* as re-enacted by section 28 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor:

Payment  
of share of  
persons  
under  
disability.

- (1) Where no trustee is appointed to receive the share to which a minor or other person under disability



is entitled, or where a trustee is named but refuses or neglects to act or dies or otherwise becomes incapable of acting, the share of the minor or other person under disability may be paid to a guardian or tutor or trustee of the minor or to a curator, committee or trustee of such other person under disability duly appointed under the law of this province.

**11.** Subsection 1 of section 165 of *The Insurance Act* as re-enacted by section 29 of *The Insurance Amendment Act, 1935*, is repealed and the following substituted therefor: Rev. Stat., c. 222, s. 165, subs. 1 (1935, c. 29, s. 29), re-enacted.

- (1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that: When insurer may apply for payment into Court.

- (a) there are adverse claimants; or
- (b) the place of abode of a person entitled is unknown; or,
- (c) there is no person capable of giving or authorized to give, a valid discharge;

the insurer may, at any time after the expiration of one month from the maturity of the contract, apply to the Court for an order for payment of the money into Court, and the Court may upon such notice (if any) as it thinks necessary make an order accordingly, and such application shall in the first instance be made *ex parte*.

**12.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.







An Act to amend The Insurance Act.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 2nd, 1936

*3rd Reading*

April 8th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

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MR. CROLL

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Old Age Pensions Amendment Act, 1936*.

1929, c. 73,  
s. 6,  
amended.     **2.**—(1) Section 6 of *The Old Age Pensions Act, 1929*, is amended by striking out all the words after the word "Minister" in the sixth line, so that subsection 1 of the said section shall now read as follows:

Payments  
out of  
appro-  
priations.

(1) Every pension granted under this Act and the expenses incurred in the administration of this Act shall be paid out of such moneys as may be voted by the Legislature and appropriated for those purposes, and shall be paid by the Treasurer of Ontario upon the direction in writing of the Chairman or other head of the Commission, countersigned by the Minister.

1929, c. 73,  
s. 6,  
amended.     (2) The said section 6 is further amended by adding thereto the following subsection:

Monthly  
audit of  
accounts.

(2) The accounts of the Commission shall be audited monthly by the Provincial Auditor or by such other person as the Lieutenant-Governor in Council may appoint.

Commence-  
ment of Act.     **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Section 2.—(1) The words deleted from the section provide that the direction of the Chairman shall be final and conclusive and shall not be subject to any further examination or audit.

(2) The new subsection 2 provides for a monthly audit of the Commission's accounts.

According to clause y of section 31 of *The Interpretation Act* "person" may mean firm or corporation, etc.

An Act to amend The Old Age  
Pensions Act, 1929.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

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Mr. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Old Age Pensions Act, 1929.

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MR. CROLL

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No. 125

1936

# BILL

An Act to amend The Old Age Pensions Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title      **1.** This Act may be cited as *The Old Age Pensions Amendment Act, 1936*.

1929, c. 73,  
s. 6,  
amended.      **2.**—(1) Section 6 of *The Old Age Pensions Act, 1929*, is amended by striking out all the words after the word "Minister" in the sixth line, so that subsection 1 of the said section shall now read as follows:

Payments  
out of  
appro-  
priations.

(1) Every pension granted under this Act and the expenses incurred in the administration of this Act shall be paid out of such moneys as may be voted by the Legislature and appropriated for those purposes, and shall be paid by the Treasurer of Ontario upon the direction in writing of the Chairman or other head of the Commission, countersigned by the Minister.

1929, c. 73,  
s. 6,  
amended.      (2) The said section 6 is further amended by adding thereto the following subsection:

Monthly  
audit of  
accounts.

(2) The accounts of the Commission shall be audited monthly by the Provincial Auditor or by such other person as the Lieutenant-Governor in Council may appoint.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Old Age  
Pensions Act, 1929.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 8th, 1936

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Mr. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Children's Protection Act.

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MR. CROLL

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No. 126

1936

# BILL

## An Act to amend The Children's Protection Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Children's Protection Amendment Act, 1936*.

Rev. Stat.  
c. 279, s. 1  
amended.

**2.—(1)** Section 1 of *The Children's Protection Act* is amended by adding thereto the following clause:

"Boarding  
home."

(aa) "Boarding home" shall include any home or dwelling in which a child is placed or kept upon payment of compensation, whether such home or dwelling is privately occupied or forms part of, or is connected with a hospital or a correctional, custodial, charitable or any other institution.

Rev. Stat.  
c. 279, s. 1,  
cl. g,  
subcl. x,  
amended.

(2) Subclause *x* of clause *g* of the said section 1 as amended by clause *f* of subsection 2 of section 2 of *The Children's Protection Act, 1928*, is further amended by adding thereto the words "or unfit to care properly for him," so that the said subclause shall now read as follows:

"Neglected  
child,"—  
meaning of.

(x) a child born out of lawful wedlock whose mother is unable to maintain him or unfit to care properly for him.

Rev. Stat.  
c. 279, s. 10,  
subs. 2,  
amended.

**3.—(1)** Subsection 2 of section 10 of *The Children's Protection Act* is amended by inserting at the commencement thereof the words "Subject to the provisions of subsections 3 and 4," and by inserting after the word "but" in the fourth line the words "subject as aforesaid" so that the said subsection shall now read as follows:

What  
presumed to  
be residence  
of child.

(2) Subject to the provisions of subsections 3 and 4, for the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but, subject as aforesaid, in the absence of evidence

#### EXPLANATORY NOTES

Section 2.—(1) In the past there has been some confusion as to the exact meaning of the words "boarding home." The amendment is to clarify its meaning.

(2) Many children born out of wedlock are found in a state of neglect due to the failure of the mother to provide proper care, even though she may be financially able to maintain the child. The proposed amendment will make it possible to deal with the neglected child born out of wedlock whose mother is unfit to care for him as well as the neglected child whose mother is unable to maintain him.

Section 3. Subsection 2 of section 10 is specifically made subject to the two next following subsections.

The amendment effected by this section will not interfere with any pending litigation.



to the contrary residence for one year in the municipality in which the child was taken into custody shall be presumed.

Pending litigation not affected. (2) Subsection 1 shall not affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this section had not been passed.

Commencement of Act. 4. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Children's  
Protection Act.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Children's Protection Act.

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MR. CROLL

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No. 126

1936

# BILL

## An Act to amend The Children's Protection Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Children's Protection Amendment Act, 1936*.

Rev. Stat.  
c. 279, s. 1  
amended.

**2.**—(1) Section 1 of *The Children's Protection Act* is amended by adding thereto the following clause:

"Boarding  
home."

(aa) "Boarding home" shall include any home or dwelling in which a child is placed or kept upon payment of compensation, whether such home or dwelling is privately occupied or forms part of, or is connected with a hospital or a correctional, custodial, charitable or any other institution.

Rev. Stat.  
c. 279, s. 1,  
cl. g,  
subcl. x,  
amended.

(2) Subclause *x* of clause *g* of the said section 1 as amended by clause *f* of subsection 2 of section 2 of *The Children's Protection Act, 1928*, is further amended by adding thereto the words "or unfit to care properly for him," so that the said subclause shall now read as follows:

"Neglected  
child,"—  
meaning of.

(x) a child born out of lawful wedlock whose mother is unable to maintain him or unfit to care properly for him.

Rev. Stat.  
c. 279, s. 10,  
subs. 2,  
amended.

**3.**—(1) Subsection 2 of section 10 of *The Children's Protection Act* is amended by inserting at the commencement thereof the words "Subject to the provisions of subsections 3 and 4," and by inserting after the word "but" in the third line the words "subject as aforesaid" so that the said subsection shall now read as follows:

What  
presumed to  
be residence  
of child.

(2) Subject to the provisions of subsections 3 and 4, for the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but, subject as aforesaid, in the absence of evidence

to the contrary residence for one year in the municipality in which the child was taken into custody shall be presumed.

(2) Subsection 1 shall not affect or prejudice the rights of any person under any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this section had not been passed. <sup>Pending litigation not affected.</sup>

4. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>

An Act to amend The Children's  
Protection Act.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 8th, 1936

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Assessment Amendment Act, 1936.

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MR. CROLL

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# BILL

## The Assessment Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Assessment Amendment Act, 1936*.

Rev. Stat.,  
c. 238, s. 1,  
amended.      **2.**—(1) Section 1 of *The Assessment Act* is amended by adding thereto the following clause:

“Corporation.”      (aa) “Corporation” shall include any incorporated or joint stock company, and any other body corporate or politic.

Clause *e*  
re-enacted.      (2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

“Income”      (e) “Income” shall mean the profit or gain directly or indirectly received by a corporation from its business or undertaking, and shall include interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and also profit or gain from any other source.

Rev. Stat.,  
c. 238, s. 3,  
subs. 1  
(1934,  
c. 1, s. 3),  
amended.      **3.** Subsection 1 of section 3 of *The Assessment Act* as enacted by section 3 of *The Assessment Amendment Act, 1934*, is amended by striking out the word “property” in the seventh line, and inserting in lieu thereof the word “municipal.”

Rev. Stat.,  
c. 238, s. 4,  
amended.      **4.**—(1) The first or commencement paragraph of section 4 of *The Assessment Act* is repealed, and the following substituted therefor:

Taxable  
property  
and  
exemptions.      **4.** All real property in Ontario and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation, shall be liable to taxation, subject to the following exemptions:

#### EXPLANATORY NOTES

Sections 2, 4, 5, 6, 7, 9, 10, 11, 12, 13 and subsection 1 of section 14 are amendments to *The Assessment Act* requisite because the municipalities will not hereafter assess incomes of individuals. Income assessment of corporations will remain in effect as heretofore, and the amendments contained in this Bill with respect to any such assessments do not involve any change in the present law, but are made merely because of the elimination of provisions as to the assessment of incomes of individuals.

Section 3. Is merely to correct a clerical error which occurred in the printing of the Statutes of 1934.



Rev. Stat.,  
c. 238, s. 4,  
pars. 15-17  
and 21,  
repealed. (2) Paragraphs 15, 16, 17 and 21 of the said section 4 are repealed.

Rev. Stat.,  
c. 238, s. 4,  
par. 18,  
re-enacted. (3) Paragraph 18 of the said section 4 is repealed and the following substituted therefor:

Income  
from farm. 18. The income of a corporation derived from its farm.

Rev. Stat.,  
c. 238, s. 4,  
par. 22  
(1930,  
c. 46, s. 1,  
subs. 1),  
re-enacted. (4) Paragraph 22 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Income  
from any  
source. 22. The annual income of a corporation derived from any source to the amount of \$1,500.

Rev. Stat.,  
c. 238, s. 4,  
par. 23,  
re-enacted. (5) Paragraph 23 of the said section 4, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Income tax-  
able under  
1936, c. 1. 23. Income of any person or personal corporation subject to income tax under the provisions of *The Income Tax Act of Ontario, 1936*.

Rev. Stat.,  
c. 238,  
ss. 6 and 7,  
and Form 1,  
repealed. 5. Sections 6 and 7 of *The Assessment Act* and Form 1 to the said Act are repealed.

Rev. Stat.,  
c. 238,  
s. 10, subs. 1,  
re-enacted. 6. Subsection 1 of section 10 of *The Assessment Act* is repealed, and the following substituted therefor:

Income  
Assessment  
of cor-  
porations. (1) Subject to the exemptions provided for in sections 4 and 9:

(a) Every corporation not liable to business assessment under section 9 shall be assessed in respect of income;

(b) Every corporation although liable to business assessment under section 9 shall also be assessed in respect of any income not derived from the business in respect of which it is assessable under that section.

Rev. Stat.,  
c. 238, s. 11,  
subs. 1  
repealed. 7.—(1) Subsection 1 of section 11 of *The Assessment Act* is repealed.

Rev. Stat.,  
c. 238, s. 13  
(1930,  
c. 46, s. 3,  
subs. 1),  
repealed. (2) Section 13 of *The Assessment Act*, as re-enacted by subsection 1 of section 3 of *The Assessment Amendment Act, 1930*, is repealed.

Rev. Stat.,  
c. 238, s. 14,  
subs. 13,  
re-enacted. 8. Subsection 13 of section 14 of *The Assessment Act* is repealed and the following substituted therefor:

Section 8. Owing to the difficulty of assessing the real property of a telephone or telegraph company the Act provides for such companies being assessed either on gross receipts or on wire mileage. This amendment is merely to declare that the assessments of such companies are to be regarded as real property assessment, and not as income assessment.

Mines  
assessment  
to be  
regarded as  
for real  
property.

- (15) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of income from a mine or mineral work or mining work under this section shall be deemed to be real property assessment and not income assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the corporation liable for payment of such taxes.

Rev. Stat.,  
c. 238, s. 57,  
subs. 2,  
(1933,  
c. 2, s. 6),  
re-enacted.

**15.**—(1) Subsection 2 of section 57 of *The Assessment Act* as enacted by section 6 of *The Assessment Amendment Act*, 1933, is repealed and the following substituted therefor:

Omissions  
of income or  
business  
assessment.

- (2) If at any time it appears to any officer of the municipality that any income or business assessment has been omitted from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such income or business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year on the collector's roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.

Application  
of section.

- (2) The provisions of this section shall apply to any omissions of assessment of the income of corporations for taxation in respect to the years 1934, 1935 and 1936.

Rev. Stat.,  
c. 238,  
amended.

**16.** *The Assessment Act* is amended by adding thereto the following section:

Business  
assessment  
roll.

- 120b.**—(1) Notwithstanding the provisions of this Act, the council of any municipality may by by-law provide for taking the assessment of business separately from the time for taking the assessment of real property, and for taking the same during such time of the year in which the rates of taxation thereon are to be levied as the by-law may provide.

Procedure.

- (2) Any such by-law shall provide for the time when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in manner provided by this Act upon the return of

Section 15. Where by oversight real property assessments are omitted from the assessment roll, these errors may be corrected over a period of three years. Heretofore, where similar omissions were made with respect to business or income assessments there has been no authority to correct the errors over a three year period, and it is desirable that the provisions in this respect should be made the same as for omissions to assessed real property, so that every person may bear his fair share of taxation in the municipality and not be allowed to escape merely because of some oversight on the part of the assessor.

Section 16. Injustices to taxpayers and losses to the municipality occur in many cases in those municipalities which assess in one year for the purpose of next year's taxation, because of businesses changing hands after the assessment is made and during the year of taxation, and the same situation also occurs where a person in business dies or moves away after the assessment is made and before the year of taxation is passed.

To overcome that weakness it is desirable that councils be given power to take the business assessment at a time different from that at which the real property assessment is taken. Such a scheme has under special legislation been successfully operated in recent years in several of the municipalities, and it is advisable to extend the authority to any municipality which sees fit to take advantage of it.



such assessment roll to the clerk. The time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within three days after the decision of the court of revision is given.

Inclusion of  
business  
assessment  
with  
revised  
assessment  
roll.

- (3) The assessment of business so made and completed in any year, whether or not it is completed by the time provided by the by-law, shall upon its final revision be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality within the meaning and for the purposes of this Act, *The Municipal Act* and any other general or special Act.

Rev. Stat.,  
c. 233.

Time for  
payment of  
business  
tax.

- (4) The said council may provide that taxation upon business assessment may be made payable at times different from those at which other taxation is made payable.

Rev. Stat.,  
c. 238, s. 152  
(1934,  
c. 1, s. 11),  
amended.

**17.** Section 152 of *The Assessment Act* as enacted by section 11 of *The Assessment Amendment Act, 1934*, is amended by adding thereto the following subsection:

Alternative  
mode of  
publication  
of list.

- (7) The treasurer instead of causing the list to be published as provided in subsection 2 may cause the same to be published once during the three months immediately prior to the sale in the *Ontario Gazette* and in addition thereto once a month for three months immediately prior to the sale in a newspaper as provided in subsection 2 or 5.

Rev. Stat.,  
c. 238, s. 198,  
amended.

**18.** Section 198 of *The Assessment Act* is amended by adding thereto the following subsection:

Village  
treasurers  
to sell lands  
for taxes.

- (12) The municipal officers of a village situate in the districts of Muskoka or Parry Sound shall have the same powers as are conferred by section 195 of this Act on the officers of a town situate in a county.

Rev. Stat.,  
c. 238,  
ss. 200 and  
201,  
repealed.

**19.** Sections 200 and 201 of *The Assessment Act* are repealed, except that the said sections shall continue to apply with respect to any debentures heretofore issued under the

Section 17. The amendment provides an alternative mode of publishing the tax sale list.

Section 18. In the districts mentioned in this section tax sales are conducted by the sheriff, except for cities and towns. The amendment will vest in village treasurers the same authority as to tax sales as is possessed by the city and town treasurers, and thereby the inconvenience and added cost of having tax sales conducted by the sheriff will be avoided.

Section 19. Under the Act there has been authority for municipalities to issue debentures secured against either outstanding tax arrears, or against lands purchased by the municipality at tax sales. Such a method of capitalizing and funding current revenues which have not been collected is very unsound, and in the few cases where the experiment has been tried experience has shown that not only are tax arrears and sale of tax lands rendered less liquid, but also that the debentures issued have to be met by the imposition of new tax levies which are largely paid for by taxpayers who are not in arrears of taxes.

It is advisable that authority to issue such debentures be abolished.



authority of either of them and interest thereon until the same are fully paid.

Commence-  
ment of Act. **20.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

The Assessment Amendment Act, 1936.

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*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Assessment Amendment Act, 1936.

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MR. CROLL

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No. 127

1936

# BILL

## The Assessment Amendment Act, 1936.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Assessment Amendment Act, 1936*.

Rev. Stat.,  
c. 238, s. 1,  
amended.      **2.—(1)** Section 1 of *The Assessment Act* is amended by adding thereto the following clause:

"Corporation."  
                  (aa) "Corporation" shall include any incorporated or joint stock company, and any other body corporate or politic.

Rev. Stat.,  
c. 238, s. 1,  
cl. e, re-  
enacted.      (2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

"Income."  
                  (e) "Income" shall mean the profit or gain directly or indirectly received by a corporation from its business or undertaking, and shall include interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and also profit or gain from any other source.

Rev. Stat.,  
c. 238, s. 3,  
subs. 1  
(1934,  
c. 1, s. 3),  
amended.      **3.** Subsection 1 of section 3 of *The Assessment Act* as enacted by section 3 of *The Assessment Amendment Act, 1934*, is amended by striking out the word "property" in the seventh line, and inserting in lieu thereof the word "municipal."

Rev. Stat.,  
c. 238, s. 4,  
amended.      **4.—(1)** The first or commencement paragraph of section 4 of *The Assessment Act* is repealed, and the following substituted therefor:

Taxable  
property  
and  
exemptions.

**4.** All real property in Ontario and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation, shall be liable to taxation, subject to the following exemptions:

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 238, s. 4,  
par. 4,  
re-enacted.

4. The buildings and grounds of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary.

Philan-  
thropic and  
religious  
seminaries.

4a. The buildings and grounds not exceeding in the whole fifty acres of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary, and such exemption shall not extend to include any part of the lands of such a seminary which are used for farming or agricultural pursuits and are worked on shares with any other person, or if the annual or other crops, or any part thereof, from such lands are sold.

Educational  
seminaries.

(3) Paragraphs 15, 16, 17 and 21 of the said section 4 are repealed.

Rev. Stat.,  
c. 238, s. 4,  
pars. 15-17  
and 21,  
repealed.

(4) Paragraph 18 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 238, s. 4,  
par. 18,  
re-enacted.

18. The income of a corporation derived from its farm.

Income  
from farm.

(5) Paragraph 22 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 238, s. 4,  
par. 22  
(1930,  
c. 48, s. 1,  
subs. 1),  
re-enacted.

22. The annual income of a corporation derived from any source to the amount of \$1,500.

Income  
from any  
source.

(6) Paragraph 23 of the said section 4, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 238, s. 4,  
par. 23,  
re-enacted.

23. Income of any person or personal corporation subject to income tax under the provisions of *The Income Tax Act of Ontario, 1936*.

Income tax-  
able under  
1936, c. 1.

5. Sections 6 and 7 of *The Assessment Act* and Form 1 to the said Act are repealed.

Rev. Stat.,  
c. 238,  
ss. 6 and 7,  
and Form 1,  
repealed.

Rev. Stat.,  
c. 238,  
s. 10, subs. 1,  
re-enacted.

**6.** Subsection 1 of section 10 of *The Assessment Act* is repealed, and the following substituted therefor:

Income  
assessment  
of cor-  
porations.

(1) Subject to the exemptions provided for in sections 4 and 9:

(a) Every corporation not liable to business assessment under section 9 shall be assessed in respect of income;

(b) Every corporation although liable to business assessment under section 9 shall also be assessed in respect of any income not derived from the business in respect of which it is assessable under that section.

Rev. Stat.,  
c. 238, s. 11,  
subs. 1  
repealed.

**7.** Subsection 1 of section 11 of *The Assessment Act* is repealed.

Rev. Stat.,  
c. 238, s. 13  
(1930,  
c. 46, s. 3,  
subs. 1),  
repealed.

**8.** Section 13 of *The Assessment Act*, as re-enacted by subsection 1 of section 3 of *The Assessment Amendment Act, 1930*, is repealed.

Rev. Stat.,  
c. 238, s. 14,  
subs. 13,  
re-enacted.

**9.** Subsection 13 of section 14 of *The Assessment Act* is repealed and the following substituted therefor:

Real  
property  
assessment.

(13) Notwithstanding the provisions of subsection 11, the assessment of a telephone company or telegraph company under this section shall be deemed to be real property assessment and not income assessment, and the taxes payable by any such company shall be a lien upon all the lands of the company in the municipality.

Rev. Stat.,  
c. 238, s. 17,  
repealed.

**10.** Section 17 of *The Assessment Act* is repealed.

Rev. Stat.,  
c. 238, s. 18,  
subs. 2,  
amended.

**11.** Subsection 2 of section 18 of *The Assessment Act* is amended by striking out the word "person" in the first line, and inserting in lieu thereof the word "corporation."

Rev. Stat.,  
c. 238, s. 19,  
subs. 1,  
amended.

**12.** Subsection 1 of section 19 of *The Assessment Act* is amended by striking out the words "who are resident" in the seventh line, and inserting in lieu thereof the words "which are corporations having their head offices or having no head office in Ontario have their chief places of business," and by inserting after the word "every" in the ninth line the word "such."

Rev. Stat.,  
c. 238, s. 20,  
subs. 1,  
amended.

**13.** Subsection 1 of section 20 of *The Assessment Act*, as amended by section 3 of *The Assessment Amendment Act, 1929*, is further amended by striking out the words "In cities every



person" at the commencement of the said section, and inserting in lieu thereof the words "Every corporation," and by striking out the word "persons" in the eighth line and inserting in lieu thereof the word "corporations."

**14.**—(1) Subsection 1 of section 21 of *The Assessment Act* is amended by striking out the words "person resident in Ontario" in the third line and inserting in lieu thereof the words "corporation liable to income assessment," and by striking out the words "persons who are resident in the municipality who" in the seventh and eighth lines and inserting in lieu thereof the words "corporations which." Rev. Stat., c. 238, s. 21, subs. 1, amended.

(2) Subsection 2 of the said section 21, as enacted by subsection 2 of section 3 of *The Assessment Amendment Act, 1930*, is repealed. Rev. Stat., c. 238, s. 21, subs. 2, repealed.

**15.**—(1) Subsection 6 of section 40 of *The Assessment Act* is amended by inserting after the word "income" in the first line, the words "of a corporation." Rev. Stat., c. 238, s. 40, subs. 6, amended.

(2) The said section 40, as amended by sections 2 and 3 of *The Assessment Act, 1928*, section 5 of *The Assessment Amendment Act, 1931*, and subsection 1 of section 26 of *The Statute Law Amendment Act, 1932*, is further amended by adding thereto the following subsection:

- (15) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of income from a mine or mineral work or mining work under this section shall be deemed to be real property assessment and not income assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the corporation liable for payment of such taxes. Mines assessment to be regarded as for real property.

**16.** *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 238, amended.

- 43a.**—(1) Section 43 shall apply to a police village so that farm lands situate therein may be exempted or partly exempted from taxation in the same manner, to the same extent, and for the purposes mentioned in the said section. Exemption of farm lands in police villages.

- (2) The trustees or board of trustees of a police village shall have power to and shall pass by-laws as provided for in section 43, and forthwith after passing the same furnish a certified copy thereof to the clerk of the township or townships in which the police Exemption by-law to be passed by trustees of police village.

village or any part thereof is situate, and all notices to be given under the said section shall be given to the trustees or board of trustees of the police village instead of to the clerk of the municipality.

Notice of by-law and of decisions of judge to be given to township clerk.

- (3) The trustees or board of trustees of a police village shall notify the clerk of the township or townships in which the police village or any part thereof is situate of any decision of the judge made under section 43 forthwith after the same is received.

Jurisdiction of judge where two counties affected.

- (4) If a police village is situate in two or more counties, the judge of the county court of the county in which the larger or largest part of the police village is situate shall exercise jurisdiction for the purposes of this section.

Application of by-law by township council in striking rates.

- (5) The provisions of every by-law of a police village passed under the authority of this section, and of every decision of the judge with respect to such police village, shall be made applicable by the council of the township or townships in which the police village or any part thereof is situate in striking the rates to be levied in or for the purposes of the police village.

Rev. Stat., c. 238, s. 57, subs. 2, (1933, c. 2, s. 6), re-enacted.

**17.**—(1) Subsection 2 of section 57 of *The Assessment Act* as re-enacted by section 6 of *The Assessment Amendment Act, 1933*, is repealed and the following substituted therefor:

Omissions of income or business assessment.

- (2) If at any time it appears to any officer of the municipality that any income or business assessment has been omitted from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such income or business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector's roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.

Application of section.

- (2) The provisions of this section shall apply to any omissions of assessment of the income of corporations for taxation in respect to the years 1934, 1935 and 1936.

18. Section 64a of *The Assessment Act*, as enacted by Rev. Stat., c. 238, s. 64a, section 4 of *The Assessment Act*, 1928, is amended by adding (1928, c. 39, s. 4) thereto the following subsection: amended

- (4) The commissioner may also from time to time appoint another person possessing like qualifications to act as his deputy for a period not exceeding one month, and such person when so acting shall have all the powers of the commissioner and shall be paid such sum for his services as the council may by by-law or resolution provide. Appointment of deputy Commissioner.

19. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 238, amended.

120b.—(1) Notwithstanding the provisions of this Act, the council of any municipality may by by-law provide for taking the assessment of business separately from the time for taking the assessment of real property, and for taking the same during such time of the year in which the rates of taxation thereon are to be levied as the by-law may provide. Business assessment roll.

- (2) Any such by-law shall provide for the time when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in manner provided by this Act upon the return of such assessment roll to the clerk. The time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within three days after the decision of the court of revision is given. Procedure.

- (3) The assessment of business so made and completed in any year, whether or not it is completed by the time provided by the by-law, shall upon its final revision, be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality within the meaning and for the purposes of this Act, *The Municipal Act* and any other general or special Act. Inclusion of business assessment with revised assessment roll.

- (4) The said council may provide that taxation upon business assessment may be made payable at times Rev. Stat., c. 233. Time for payment of business tax.



different from those at which other taxation is made payable.

Rev. Stat.,  
c. 238, s. 121,  
subs. 5  
(1932,  
c. 31, s. 2),  
re-enacted.

**20.**—(1) Subsection 5 of section 121 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1932*, is repealed and the following substituted therefor:

Applications  
in respect to  
vacant  
tenements.

(5) An application under clause *a* of subsection 1 may be made by any person assessed, or by a mortgagee or subsequent purchaser who has been in possession of a tenement which has remained vacant during such possession, and may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may cancel or reduce the taxes, or order that the corporation refund a portion of the taxes paid, and the corporation may refund the same accordingly, and if the application is made by a mortgagee or subsequent purchaser who paid the taxes, the refund shall be made to such mortgagee or subsequent purchaser.

Rev. Stat.,  
c. 238, s. 121,  
amended.

(2) The said section 121 is further amended by adding thereto the following subsection:

By-law  
respecting  
cancellations  
and  
refunds,  
etc.

(6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clauses *a*, *b* or *c* of subsection 1, or under subsection 5 of this section by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

Rev. Stat.,  
c. 238, s. 152  
(1934,  
c. 1, s. 11),  
amended.

**21.** Section 152 of *The Assessment Act* as re-enacted by section 11 of *The Assessment Amendment Act, 1934*, and amended by section 7 of *The Assessment Amendment Act, 1935*, is further amended by adding thereto the following subsection:

Alternative  
mode of  
publication  
of list.

(7) The treasurer instead of causing the list to be published as provided in subsection 2 may cause the same to be published once during the three months immediately prior to the sale in the *Ontario Gazette* and in addition thereto once a month for three months immediately prior to the sale in a newspaper as provided in subsection 2 or 5.

Rev. Stat.,  
c. 238, s. 198,  
amended.

**22.** Section 198 of *The Assessment Act* is amended by adding thereto the following subsection:

Village  
treasurers  
to sell lands  
for taxes.

(12) The municipal officers of a village situate in the districts of Muskoka or Parry Sound shall have the

same powers as are conferred by section 195 of this Act on the officers of a town situate in a county.

**23.** Sections 200 and 201 of *The Assessment Act* are repealed, Rev. Stat., c. 238, except that the said sections shall continue to apply with ss. 200 and 201, respect to any debentures heretofore issued under the repealed. authority of either of them and interest thereon until the Exceptions. same are fully paid.

**24.** This Act shall come into force on the day upon which Commence- it receives the Royal Assent. ment of Act.





The Assessment Amendment Act, 1936.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

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Mr. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# **BILL**

**An Act to amend The Ontario Housing Act, 1919.**

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MR. CROLL

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No. 128

1936

# BILL

## An Act to amend The Ontario Housing Act, 1919.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Ontario Housing Amendment Act, 1936*.

1919, c. 54, s. 10, amended.      **2.** Section 10 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsection:

Treasurer and his duties and audit.

(13) The treasurer of the municipality shall be the treasurer for the Commission, and shall keep all its accounts and receive its revenues and apply the same as required by this Act and the regulations, and the accounts and transactions of the Commission shall be audited annually by the auditor for the municipality.

1919, c. 54, section added.      **3.** The said Act is amended by adding thereto the following section:

Abolition of commission and transfer of assets to council.

10a.—(1) With the approval of the director, the council of any municipality to which this Act applies may by by-law abolish the commission, and upon such by-law coming into force the commission shall cease to exist, and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become transferred to and vested in the corporation of such municipality, and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment thereof be executed or made.

Powers and duties of council.

(2) When the undertaking, property and assets of a commission are vested in the municipal corporation under this section, the council shall thereafter carry

## EXPLANATORY NOTES

The Housing Act of 1920 was put into operation after all loan funds provided for the Act of 1919 were exhausted. The later Act differs from the former in that the Province did not advance funds for loans, but guaranteed debentures issued by the municipality. Otherwise the scheme of the two Acts is the same.

To establish the scheme, a municipality which embarked thereon appointed a Housing Commission who had charge over making of all loans and supervising the construction of the homes.

While in many instances the homes have either already been fully paid for or the balance that is outstanding is not in arrears, there are more instances where these loans have fallen into arrears and where agreements have either been forfeited or surrendered.

Some of the municipalities which embarked upon the scheme have incurred heavy losses which have to be provided for by the taxpayers out of taxation.

The whole operation of the Act is now purely one of administration for the purpose of collecting the balances which are owing on outstanding loans and for levying taxes to meet losses, and the responsibility is one now which rests more largely on the municipal council and treasurer than upon the Housing Commission.

There is still a substantial sum owing to the municipalities, and in some cases municipalities are not making proper provision to discharge their debentures and corrective remedies will have to be effected to protect the interests of the Province as guarantor.

Clause 2. Provides that the municipal treasurer is in future to act as treasurer for the housing scheme so as to ensure proper financial control.

Clause 3. Authorizes a council, with the approval of the Housing Director, to abolish the existing Housing Commission and take charge of the housing scheme so as to ensure that the loans will be discharged and, if possible, loss to the taxpayers avoided.

out and enforce the provisions of this Act and the regulations, and of every deed, agreement, lease, mortgage, and other engagement subsisting at the time of such vesting, and according to the terms and conditions thereof, and the council shall have and may exercise all the powers and shall perform all the duties of a commission.

1919,  
c. 54, s. 17,  
amended.

4. Section 17 of the said Act is amended by adding thereto the following subsection:

Power of  
re-sale,  
and terms  
thereof.

- (2) Notwithstanding any provision of this Act, any house which has been repossessed by and become vested in a commission by reason of an agreement of sale or re-sale thereof having been cancelled or determined, or by reason of any foreclosure or exercise of power of sale under a mortgage, may be leased or resold to any person, at such price and upon such terms and conditions as the director may approve.

1919,  
c. 54, s. 20,  
amended.

5. Section 20 of the said Act is amended by adding thereto the following subsections:

Application  
of  
commission  
revenues.

- (6) The revenues of a commission shall first be applied in repayment of any loan made by the Province in accordance with the requirements of this Act and the regulations, and no part of such revenues shall otherwise be applied, except with the approval of the director.

Treasurer to  
submit  
financial  
statement  
to council.

- (7) The treasurer of the municipality shall before the estimates of council for any year have been adopted, lay before council a financial statement of the affairs of the commission for the last preceding year, and a statement of any estimated deficiency in the revenues of the commission for the current year.

Appropriation  
by  
council for  
deficiencies.

- (8) The council shall provide and include in its estimates for every year an amount sufficient to meet any deficiency in the revenues of the commission for such year and levy a rate therefor, unless the director has otherwise approved.

Payment of  
deficiencies  
by council  
to repay  
loans.

- (9) If in any year the revenues of a housing commission are insufficient to repay to the Province all instalments of the loan falling due in such year, the council shall provide and pay the amount of the deficiency unless the director has otherwise approved.

1919, c. 54,  
section  
added.

6. The said Act is amended by adding thereto the following section:

Clause 4. Under the Act there is no authority to resell houses at less than original cost, or to any other person than those who were entitled to come under the original scheme. These provisions are no longer applicable, and the scope of the Act must be widened to permit of resales at present values in the open market.

Clause 5. Stipulates how the revenues derived from a housing scheme are to be applied so as to ensure that deficiencies will be levied for as they occur, and the guarantee of the Province protected.

Clause 6. Under the original scheme housing companies participated, and these were stipulated under *The Housing Accommodation Act*. That Act was long ago repealed, and there is no authority at present for these housing companies transferring their assets, even though the requirements of the scheme necessitate that that be done. The amendment authorizes such a transfer to be made, with the approval of the Director.



Transfer by  
housing  
companies.

22a. A housing company incorporated under *The Housing Accommodation Act*, being chapter 220 of the Revised Statutes of Ontario, 1914, and which Act has since been repealed, may with the approval of the director transfer its assets and undertaking to any other corporation, but subject to the liabilities which attach to such assets and undertaking at the time of transfer, and the provisions of this Act and the regulations shall apply to the corporation as if it were a company within the meaning of this Act.

1919,  
c. 54, s. 25,  
amended.

7. Section 25 of the said Act as amended by section 12 of *The Statute Law Amendment Act, 1935*, is further amended by adding thereto the following subsection:

Special  
regulations  
to prevent  
losses, etc.

(4) The director may make such regulations and give such directions with respect to the undertaking and affairs of a commission or company which have become so financially involved that the municipality may sustain losses in respect thereto, or that repayment of the loan made by the Province is, or is likely to be, deferred or fall into arrears, or not be made in full, or which are not being properly and efficiently managed and administered, and every such regulation and direction shall be carried out, observed and enforced in the same manner and to the same extent as in the case of a regulation made under subsection 1, subject to an appeal therefrom to the Lieutenant-Governor in Council, who may rescind or vary any regulation or direction of the director, or require the same to be adhered to, and it shall not be necessary that any regulation or direction made or given under this subsection be published in the *Ontario Gazette*.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Clause 7. In 1935 authority was given to the Director to approve of resales, and it is necessary that such authority be extended to take care of the varying circumstances, and also to enable him to watch the progress of housing loan repayments in the municipalities so that losses to the taxpayers may be avoided and loss to the Province be prevented.



BILL

An Act to amend The Ontario Housing  
Act, 1919.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Ontario Housing Act, 1919.

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MR. CROLL

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No. 128

1936

# BILL

## An Act to amend The Ontario Housing Act, 1919.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Ontario Housing Amendment Act, 1936*.

1919, c. 54, s. 10, amended.     **2.** Section 10 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsection:

Treasurer and his duties and audit.

(13) The treasurer of the municipality shall be the treasurer for the Commission, and shall keep all its accounts and receive its revenues and apply the same as required by this Act and the regulations, and the accounts and transactions of the Commission shall be audited annually by the auditor for the municipality.

1919, c. 54, amended.     **3.** *The Ontario Housing Act, 1919*, is amended by adding thereto the following section:

Abolition of commission and transfer of assets to council.

10a.—(1) With the approval of the director, the council of any municipality to which this Act applies may by by-law abolish the commission, and upon such by-law coming into force the commission shall cease to exist, and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become transferred to and vested in the corporation of such municipality, and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment thereof be executed or made.

Powers and duties of council.

(2) When the undertaking, property and assets of a commission are vested in the municipal corporation under this section, the council shall thereafter carry

out and enforce the provisions of this Act and the regulations, and of every deed, agreement, lease, mortgage, and other engagement subsisting at the time of such vesting, and according to the terms and conditions thereof, and the council shall have and may exercise all the powers and shall perform all the duties of a commission.

4. Section 17 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsection: 1919, c. 54, s. 17, amended.

- (2) Notwithstanding any provision of this Act, any house which has been repossessed by and become vested in a commission by reason of an agreement of sale or re-sale thereof having been cancelled or determined, or by reason of any foreclosure or exercise of power of sale under a mortgage, may be leased or resold to any person, at such price and upon such terms and conditions as the director may approve. Power of re-sale, and terms thereof.

5. Section 20 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsections: 1919, c. 54, s. 20, amended.

- (6) The revenues of a commission shall first be applied in repayment of any loan made by the Province in accordance with the requirements of this Act and the regulations, and no part of such revenues shall otherwise be applied, except with the approval of the director. Application of commission revenues.
- (7) The treasurer of the municipality shall before the estimates of council for any year have been adopted, lay before council a financial statement of the affairs of the commission for the last preceding year, and a statement of any estimated deficiency in the revenues of the commission for the current year. Treasurer to submit financial statement to council.
- (8) The council shall provide and include in its estimates for every year an amount sufficient to meet any deficiency in the revenues of the commission for such year and levy a rate therefor, unless the director has otherwise approved. Appropriation by council for deficiencies.
- (9) If in any year the revenues of a housing commission are insufficient to repay to the Province all instalments of the loan falling due in such year, the council shall provide and pay the amount of the deficiency unless the director has otherwise approved. Payment of deficiencies by council to repay loans.

6. *The Ontario Housing Act, 1919*, is amended by adding thereto the following section: 1919, c. 54, amended.

Transfer by  
housing  
companies.

22a. A housing company incorporated under *The Housing Accommodation Act*, being chapter 220 of the Revised Statutes of Ontario, 1914, and which Act has since been repealed, may with the approval of the director transfer its assets and undertaking to any other corporation, but subject to the liabilities which attach to such assets and undertaking at the time of transfer, and the provisions of this Act and the regulations shall apply to the corporation as if it were a company within the meaning of this Act.

1919,  
c. 54, s. 25,  
amended.

7. Section 25 of *The Ontario Housing Act, 1919*, as amended by section 12 of *The Statute Law Amendment Act, 1935*, is further amended by adding thereto the following subsection:

Special  
regulations  
to prevent  
losses, etc.

(4) The director may make such regulations and give such directions with respect to the undertaking and affairs of a commission or company which have become so financially involved that the municipality may sustain losses in respect thereto, or that repayment of the loan made by the Province is, or is likely to be, deferred or fall into arrears, or not be made in full, or which are not being properly and efficiently managed and administered, and every such regulation and direction shall be carried out, observed and enforced in the same manner and to the same extent as in the case of a regulation made under subsection 1, subject to an appeal therefrom to the Lieutenant-Governor in Council, who may rescind or vary any regulation or direction of the director, or require the same to be adhered to, and it shall not be necessary that any regulation or direction made or given under this subsection be published in the *Ontario Gazette*.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.











BILL

An Act to amend The Ontario Housing  
Act, 1919.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 8th, 1936

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Housing Act, 1920.

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MR. CROLL.

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# BILL

An Act to amend The Municipal Housing Act, 1920.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Housing Amendment Act, 1936*.

1920,  
c. 84, s. 5,  
subs. 11,  
re-enacted.      **2.** Subsection 11 of section 5 of *The Municipal Housing Act, 1920*, is repealed and the following substituted therefor:

Treasurer  
and his  
duties and  
audit.

(11) The treasurer of the municipality shall be the treasurer of the commission, and shall keep all its accounts and receive its revenues and apply the same as required by this Act and the regulations, and the accounts and transactions of the commission shall be audited annually by the auditor for the municipality.

1920, c. 84,  
section  
added.      **3.** The said Act is amended by adding thereto the following section:

Abolition of  
commission  
and  
transfer of  
assets to  
council.

5a.—(1) With the approval of the director, the council of any municipality to which this Act applies may by by-law abolish the commission, and upon such by-law coming into force the commission shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the corporation of such municipality and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

Powers and  
duties of  
council.

(2) When the undertaking, property and assets of a commission are vested in the municipal corporation under this section, the council shall thereafter carry out and enforce the provisions of this Act and the regulations, and of every deed, agreement, lease,

## EXPLANATORY NOTES

The Housing Act of 1920 was put into operation after all loan funds provided for the Act of 1919 were exhausted. The later Act differs from the former in that the Province did not advance funds for loans, but guaranteed debentures issued by the municipality. Otherwise the scheme of the two Acts is the same.

To establish the scheme, a municipality which embarked thereon appointed a Housing Commission who had charge over making of all loans and supervising the construction of the homes.

While in many instances the homes have either already been fully paid for or the balance that is outstanding is not in arrears, there are more instances where these loans have fallen into arrears and where agreements have either been forfeited or surrendered.

Some of the municipalities which embarked upon the scheme have incurred heavy losses which have to be provided for by the taxpayers out of taxation.

The whole operation of the Act is now purely one of administration for the purpose of collecting the balances which are owing on outstanding loans and for levying taxes to meet losses, and the responsibility is one now which rests more largely on the municipal council and treasurer than upon the Housing Commission.

There is still a substantial sum owing to the municipalities, and in some cases municipalities are not making proper provision to discharge their debentures and corrective remedies will have to be effected to protect the interests of the Province as guarantor.

Clause 2. Provides that the municipal treasurer is in future to act as treasurer for the housing scheme so as to ensure proper financial control.

Clause 3. Authorizes a council, with the approval of the Housing Director, to abolish the existing Housing Commission and take charge of the housing scheme so as to ensure that the loans will be discharged and, if possible, loss to the taxpayers avoided.



mortgage and other engagement subsisting at the time of such vesting, and according to the terms and conditions thereof, and the council shall have and may exercise all the powers and shall perform all the duties of a commission.

1920,  
c. 84, s. 12,  
amended.

4. Section 12 of the said Act is amended by adding thereto the following subsection:

Power of  
resale and  
terms  
thereof.

- (2) Notwithstanding any provision of this Act, any house which has been repossessed by and become vested in a commission by reason of an agreement of sale or resale thereof having been cancelled or determined, or by reason of any foreclosure or exercise of power of sale under a mortgage, may be leased or resold to any person at such price and upon such terms and conditions as the director may approve.

1920, c. 84,  
section  
added.

5. The said Act is amended by adding thereto the following section:

Application  
of com-  
mission's  
revenues.

- 15a.—(1) The revenues of a commission shall first be applied in providing for payment of the principal and interest of debentures issued under the authority of this Act, and no part of such revenues shall otherwise be applied except with the approval of the director.

Treasurer  
to submit  
financial  
statement  
to council.

- (2) The treasurer of the municipality shall before the estimates of council for any year have been adopted lay before council a financial statement of the affairs of the commission for the last preceding year, and a statement of any estimated deficiency in the revenues of the commission for the current year.

Appropriation  
by  
council for  
deficiencies.

- (3) The council shall provide and include in its estimates for every year an amount sufficient to meet any deficiency in the revenues of the commission for such year and levy a rate therefor, unless the director has otherwise approved.

Payment  
of debt  
charges.

- (4) If in any year the revenues of a housing commission are insufficient to meet the principal and interest of debentures falling due within the year, the council shall provide and pay the amount of such deficiency, unless the director has otherwise approved.

Clause 4. Under the Act there is no authority to resell houses at less than original cost, or to any other person than those who were entitled to come under the original scheme. These provisions are no longer applicable, and the scope of the Act must be widened to permit of resales at present values in the open market.

Clause 5. Stipulates how the revenues derived from a housing scheme are to be applied so as to ensure that deficiencies will be levied for as they occur, and the guarantee of the Province protected.

1920, c. 84,  
section  
added.

6. The said Act is amended by adding thereto the following section:

Transfers  
by housing  
companies.

16a. A housing company incorporated under *The Housing Accommodation Act*, being chapter 220 of the Revised Statutes of Ontario, 1914, and which Act has since been repealed, may with the approval of the director transfer its assets and undertaking to any other corporation, but subject to the liabilities which attach to such assets and undertaking at the time of transfer, and the provisions of this Act and the regulations shall apply to the corporation as if it were a company within the meaning of this Act.

1920,  
c. 84, s. 19,  
amended.

7. Section 19 of the said Act as amended by section 11 of *The Statute Law Amendment Act, 1935*, is further amended by adding thereto the following subsection:

Special  
regulations  
to prevent  
losses, etc.

(4) The director may make such regulations and give such directions with respect to the undertaking and affairs of a commission or company which have become so financially involved that the municipality may sustain losses in respect thereto, or that payment of debentures issued by the municipality or interest thereon is, or is likely to be, deferred or fall into arrears or has to be met by the Province under its guarantee, or which are not being properly and efficiently managed and administered, and every such regulation and direction shall be carried out, observed and enforced in the same manner and to the same extent as in the case of a regulation made under subsection 1, subject to an appeal therefrom to the Lieutenant-Governor in Council, who may rescind or vary any regulation or direction of the director, or require the same to be adhered to, and it shall not be necessary that any regulation or direction made or given under this subsection be published in the *Ontario Gazette*.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Clause 6. Under the original scheme housing companies participated, and these were stipulated under *The Housing Accommodation Act*. That Act was long ago repealed, and there is no authority at present for these housing companies transferring their assets, even though the requirements of the scheme necessitate that that be done. The amendment authorizes such a transfer to be made, with the approval of the Director.

Clause 7. In 1935 authority was given to the Director to approve of resales, and it is necessary that such authority be extended to take care of the varying circumstances, and also to enable him to watch the progress of housing loan repayments in the municipalities so that losses to the taxpayers may be avoided and loss to the Province be prevented.

BILL

An Act to amend The Municipal  
Housing Act, 1920.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act to amend The Municipal Housing Act, 1920.

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MR. CROLL.

---



# BILL

## An Act to amend The Municipal Housing Act, 1920.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Municipal Housing Amendment Act, 1936*.

1920,  
c. 84, s. 5,  
subs. 11,  
re-enacted.

**2.** Subsection 11 of section 5 of *The Municipal Housing Act, 1920*, is repealed and the following substituted therefor:

Treasurer  
and his  
duties and  
audit.

(11) The treasurer of the municipality shall be the treasurer of the commission, and shall keep all its accounts and receive its revenues and apply the same as required by this Act and the regulations, and the accounts and transactions of the commission shall be audited annually by the auditor for the municipality.

1920, c. 84,  
amended.

**3.** *The Municipal Housing Act, 1920*, is amended by adding thereto the following section:

Abolition of  
commission  
and  
transfer of  
assets to  
council.

**5a.**—(1) With the approval of the director, the council of any municipality to which this Act applies may by by-law abolish the commission, and upon such by-law coming into force the commission shall cease to exist and the whole of its undertaking, property, deeds, agreements, leases, mortgages and other assets shall be and become vested in the corporation of such municipality and be subject to the control and management of the council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

Powers and  
duties of  
council.

(2) When the undertaking, property and assets of a commission are vested in the municipal corporation under this section, the council shall thereafter carry out and enforce the provisions of this Act and the regulations, and of every deed, agreement, lease,

mortgage and other engagement subsisting at the time of such vesting, and according to the terms and conditions thereof, and the council shall have and may exercise all the powers and shall perform all the duties of a commission.

4. Section 12 of *The Municipal Housing Act, 1920*, is amended by adding thereto the following subsection: 1920, c. 84, s. 12, amended.

- (2) Notwithstanding any provision of this Act, any house which has been repossessed by and become vested in a commission by reason of an agreement of sale or resale thereof having been cancelled or determined, or by reason of any foreclosure or exercise of power of sale under a mortgage, may be leased or resold to any person at such price and upon such terms and conditions as the director may approve. Power of resale and terms thereof.

5. *The Municipal Housing Act, 1920*, is amended by adding thereto the following section: 1920, c. 84, amended.

- 15a.—(1) The revenues of a commission shall first be applied in providing for payment of the principal and interest of debentures issued under the authority of this Act, and no part of such revenues shall otherwise be applied except with the approval of the director. Application of commission's revenues.
- (2) The treasurer of the municipality shall before the estimates of council for any year have been adopted lay before council a financial statement of the affairs of the commission for the last preceding year, and a statement of any estimated deficiency in the revenues of the commission for the current year. Treasurer to submit financial statement to council.
- (3) The council shall provide and include in its estimates for every year an amount sufficient to meet any deficiency in the revenues of the commission for such year and levy a rate therefor, unless the director has otherwise approved. Appropriation by council for deficiencies.
- (4) If in any year the revenues of a housing commission are insufficient to meet the principal and interest of debentures falling due within the year, the council shall provide and pay the amount of such deficiency, unless the director has otherwise approved. Payment of debt charges.

1920, c. 84,  
amended.

6. *The Municipal Housing Act, 1920*, is amended by adding thereto the following section:

Transfers  
by housing  
companies.

16a. A housing company incorporated under *The Housing Accommodation Act*, being chapter 220 of the Revised Statutes of Ontario, 1914, and which Act has since been repealed, may with the approval of the director transfer its assets and undertaking to any other corporation, but subject to the liabilities which attach to such assets and undertaking at the time of transfer, and the provisions of this Act and the regulations shall apply to the corporation as if it were a company within the meaning of this Act.

1920,  
c. 84, s. 19,  
amended.

7. Section 19 of *The Municipal Housing Act, 1920*, as amended by section 11 of *The Statute Law Amendment Act, 1935*, is further amended by adding thereto the following subsection:

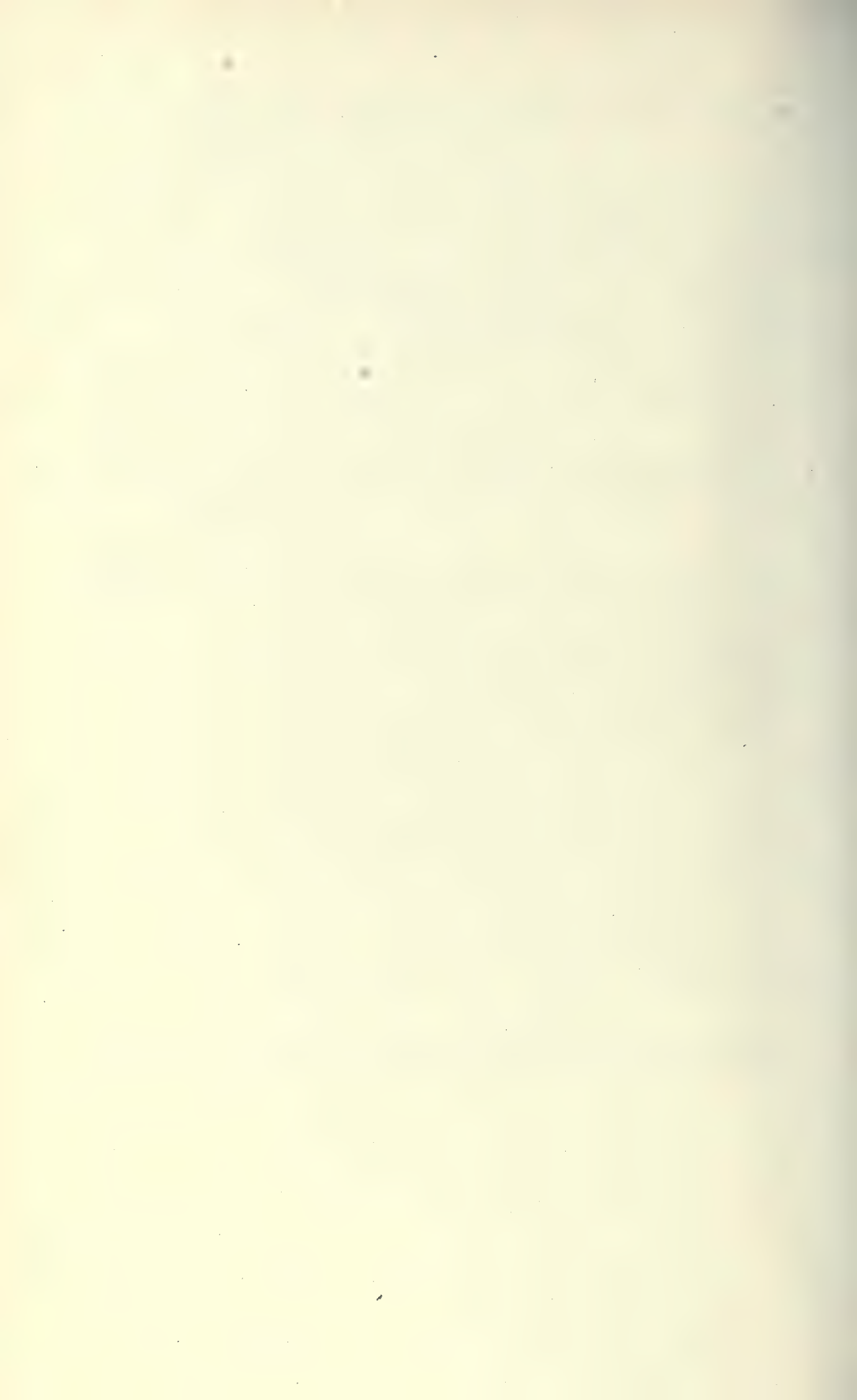
Special  
regulations  
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losses, etc.

(4) The director may make such regulations and give such directions with respect to the undertaking and affairs of a commission or company which have become so financially involved that the municipality may sustain losses in respect thereto, or that payment of debentures issued by the municipality or interest thereon is, or is likely to be, deferred or fall into arrears or has to be met by the Province under its guarantee, or which are not being properly and efficiently managed and administered, and every such regulation and direction shall be carried out, observed and enforced in the same manner and to the same extent as in the case of a regulation made under subsection 1, subject to an appeal therefrom to the Lieutenant-Governor in Council, who may rescind or vary any regulation or direction of the director, or require the same to be adhered to, and it shall not be necessary that any regulation or direction made or given under this subsection be published in the *Ontario Gazette*.

Commence-  
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Municipal  
Housing Act, 1920.

---

*1st Reading*

April 1st, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 8th, 1936

---

MR. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Municipal Amendment Act, 1936.

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MR. CROLL

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# BILL

## The Municipal Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Municipal Amendment Act, 1936.*

Rev. Stat.,  
c. 233, s. 53,  
amended.     **2.** Section 53 of *The Municipal Act* is amended by adding thereto the following subsection:

Appoint-  
ments to  
two com-  
missions,  
etc.

- (5) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of an electric railway, street railway or steam railway mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,  
cc. 57, 249.

Rev. Stat.,  
c. 233, s. 200,  
sub. 1,  
amended.

- 3.** Subsection 1 of section 200 of *The Municipal Act* is amended by striking out the words "fourth Tuesday" in the fifth and sixth lines and in the ninth line and inserting in lieu thereof the words "second Wednesday," and by striking out the words "or at two o'clock in the afternoon or at half-past seven o'clock in the afternoon of the next preceding Monday" at the end thereof, so that the said subsection shall now read as follows:

First  
meeting of  
council.

- (1) Subject to subsection 2 the first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the second Wednesday of the same month, at two o'clock in the afternoon, but the council of any county may, by by-law, provide that the first meeting shall be held at half-

#### EXPLANATORY NOTES

Section 2. This permits a municipal council to appoint to a utility commission persons already appointed by it to a railway commission, and bring utilities generally under the same personnel and thereby effect economy in management.

Section 3. The amendment will enable a county council to meet earlier in the year to commence transaction of county business. At present a whole month elapses before county council meets.

past seven o'clock in the afternoon of such second Wednesday.

Rev. Stat.,  
c. 233, s.  
221a, sub. 11 as enacted by section 6 of *The Municipal Amendment Act*,  
(1933, c. 37,  
s. 6),  
amended. 1933, is repealed and the following substituted therefor:

Payment of  
obligations. (11) Nothing in subsections 9 and 10 shall extend to  
prohibit the payment of any obligation, debt or other  
liability to which by law the corporation is committed.

Rev. Stat.,  
c. 233, s. 229,  
sub. 1  
re-enacted. 5. Subsection 1 of section 229 of *The Municipal Act* is  
repealed, and the following substituted therefor:

Clerk's  
returns to  
department. (1) The clerk of every municipality shall in each  
year within the time prescribed by the department  
make a return to the department on forms provided  
by it of such information and statistics with respect  
to the financial affairs, accounts and transactions  
of the municipality as the department may prescribe,  
and every such return shall be transmitted by  
registered post.

Rev. Stat.,  
c. 233, s. 230,  
subs. 1,  
amended. 6. Subsection 1 of section 230 of *The Municipal Act* is  
amended by striking out the words "who may be paid either by  
salary or by a percentage" in the first and second lines.

Rev. Stat.,  
c. 233, s. 235,  
subs. 1,  
re-enacted. 7. Subsection 1 of section 235 of *The Municipal Act* is  
repealed, and the following substituted therefor:

Treasurer's  
returns to  
department. (1) The treasurer of every municipality shall in  
each year within the time prescribed by the depart-  
ment make a return to the department on forms  
provided by it of such information and statistics  
with respect to the financial affairs, accounts and  
transactions of the municipality as the department  
may prescribe, and every such return shall be trans-  
mitted by registered post.

Rev. Stat.,  
c. 233, s. 238,  
subs. 1,  
amended. 8.—(1) Subsection 1 of section 238 of *The Municipal Act*  
is amended by striking out the word "annually" in the second  
line.

Subs. 2,  
re-enacted. (2) Subsection 2 of the said section 238 is repealed and the  
following substituted therefor:

Appoint-  
ments need  
not be  
annual. (2) Every by-law appointing an assessor or a collector  
shall remain in force until the same is repealed, and  
it shall not be necessary to appoint the assessor or  
collector annually.



Section 4. Is merely to correct a clerical error which occurred in the printing of the Statutes of 1933.

Section 5. The amendment substitutes "Department" for the former "Bureau of Municipal Affairs," and also leaves to the department the fixing of the time for returns of assessment, etc., to be made. The clerk is supposed under the present Act to make the return within one week after the assessment roll is revised. That does not allow enough time.

Section 6. The words to be omitted are unnecessary.

Section 7. The amendment substitutes "Department" for the former Bureau and leaves to the Department the fixing of the time for treasurer's returns to be made. The Act now fixes 1st April, which may or may not prove to be a suitable date, as, for instance, this year when 15th April is being stipulated.

Section 8. The word "annually" is omitted so as to render unnecessary the annual reappointment of tax collectors, who in many cases serve for many years, and subsection 2 in its re-written form is to the same purpose.



Rev. Stat., c. 233, s. 239, subs. 3, re-enacted. **9.** Subsection 3 of section 239 of *The Municipal Act* is repealed, and the following substituted therefor:

Annual appointments not necessary.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors who, with the assessment commissioner, constitute the board of assessors.

Rev. Stat., c. 233, s. 245, subs. 2, amended.

**10.** Subsection 2 of section 245 of *The Municipal Act* is amended by striking out the word "detailed" where it occurs in the third, eighth and tenth lines, and by striking out the word "council" in the fifth line and inserting in lieu thereof the word "department," and by striking out the words "Bureau of Municipal Affairs" in the ninth line and inserting in lieu thereof the word "department," so that the said subsection shall now read as follows:

To prepare abstract and statement of receipts and expenditure, etc.

- (2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a statement in duplicate of the same for the next preceding year in such form as the department may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the statement to the department, and shall file the other abstract, the other statement, and their reports, in the office of the clerk not later than the 1st day of March.

Rev. Stat., c. 233, s. 248a, subs. 4, (1932, c. 29, s. 8), re-enacted.

**11.—(1)** Subsection 4 of section 248a of *The Municipal Act* as enacted by section 8 of *The Municipal Amendment Act, 1932*, is repealed and the following substituted therefor:

Filing of surety bonds and return as to same.

- (4) Forthwith after the production before the council of any bond, policy or guarantee contract required under this section, the clerk shall deposit the same with the clerk of the peace for the county or district in which the municipality is situate, who shall keep the same in his custody, and at the same time the head and clerk of the municipality shall make a return to the department of all such bonds, policies and guarantee contracts in and according to the form prescribed by the department.

Rev. Stat., c. 233, s. 248a, subs. 6, re-enacted.

(2) Subsection 6 of the said section 248a is repealed and the following substituted therefor:

Notices from department as to surety bonds.

- (6) The department may upon examination of any return made to it for any municipality under this section report to the council in respect to matters

Section 9. This amendment is to accord with the amendment made by section 8.

Section 10. While a municipal council may desire to have prepared, printed and published all receipts and payments in all their itemized detail, the inclusion thereof in the auditor's report is unnecessary and costly and, therefore, should be eliminated. The other amendment is to substitute "department" for the former "Bureau."

Section 11,—(1) Under the present Act not only are surety bonds supposed to be filed with the Clerk of the Peace, but he is also required to make a return thereof to the Department. As the clerk of the municipality makes a return of such bonds, it is unnecessary that the Clerk of the Peace do so also.

It is also desirable that the Department point out to municipal councils any matters of importance as to the bonds it carries upon officials. For instance, while the department in some cases finds insufficient bonds are carried, there are many cases where excessive bonds are carried at unnecessary cost, and the Department should direct attention of councils to the situation.

(2). The Act now stipulates that sinking funds may be computed on a 4 per cent. earning basis. In view of the lowered yield rate on high grade securities it is not wise that the earning basis be computed in the future at more than 3 per cent.

arising out of the return, and as to the necessity for other officers, employees and servants furnishing security, and as to the sufficiency of security furnished as disclosed by the return.

Rev. Stat.,  
c. 233, s. 296,  
subs. 3, cl. b,  
amended.

**12.**—(1) Clause *b* of subsection 3 of section 296 of *The Municipal Act* is amended by striking out the figure “4” in the second line and inserting in lieu thereof the figure “3.”

Rev. Stat.,  
c. 233, s. 296,  
amended.

(2) The said section 296 is further amended by adding thereto the following subsection:

Sinking fund  
debenture  
proposals to  
be approved  
by Municipal  
Board.

(14) No by-law providing for the issue of sinking fund debentures shall be submitted for the assent, or to obtain the opinion of the electors, and no debt shall be incurred for any purpose if it is intended that the cost be provided by the subsequent issue of sinking fund debentures, until the approval of the Ontario Municipal Board as to the issue of sinking fund debentures has first been applied for and obtained.

Rev. Stat.,  
c. 233, s. 317,  
amended.

**13.** Section 317 of *The Municipal Act* is amended by adding at the end thereof the words “provided that the Board shall not approve of any greater portion or percentage than 25 per centum of the total sinking fund being invested at any one time in debentures of the corporation.”

Rev. Stat.,  
c. 233, s. 328,  
re-enacted.

**14.** Section 328 of *The Municipal Act* is repealed and the following substituted therefor:

Commission  
of financial  
inquiry.

**328.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into the financial affairs of any municipality, or local board thereof, and any matter connected therewith, and the Commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

Rev. Stat.,  
c. 20.

When com-  
mission may  
issue.

(2) A commission may be recommended at the instance of the department, or upon the request in writing of not less than one-third of the members of a council, or of not less than fifty ratepayers assessed as owners and resident in the municipality.

Expenses of  
commission.

(3) the expenses of and incidental to the execution of the Commission, including the fees and disbursements of the Commissioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality.

Rev. Stat.,  
c. 233, s. 407,  
par. 1,  
amended.

**15.**—(1) Paragraph 1 of section 407 of *The Municipal Act* as amended by subsection 2 of section 11 of *The Municipal*



Section 12. So much grief has come to municipalities, ratepayers and in some cases, creditors from unwise or illegal handling of sinking funds that it becomes necessary to restrict to the utmost any further issues of sinking fund debentures. Not many municipalities now issue that type, but occasionally circumstances arise which make it desirable for the larger cities to retain authority to make such issues, otherwise sinking fund debenture issues must be abolished as a matter of safety.

It is proposed that no further sinking fund issues be even projected until the Board is ready to concur.

Section 13. Heretofore the Municipal Board in approving of a council investing sinking fund reserves in debentures of the council's own making has had no statutory limit to serve as a guide.

Basically, a trustee should not be permitted to invest trust funds in securities of its own making, or which it has to discharge out of its own funds. Until the time arrives when the true basis can be followed, it is wise to put a limit of 25 per cent. on such investments.

Section 14. Now that the Department is established with authority to direct provincial municipal audits, it is desirable that commissions of inquiry into municipal finance should be authorized according to the same rules and procedure as govern in cases of audits.

Section 15. This amendment is merely to correct a clerical error in the printing of the Statutes of 1933.

*Amendment Act, 1933*, is amended by adding thereto the following clause:

License fees.

- (b) The license fee shall not exceed in the case of a city, \$100, and in the case of a local municipality other than a city, \$25.

(2) This section shall be deemed to have come into force and taken effect on and from the 18th day of April, 1933.

Rev. Stat.,  
c. 233, s. 409,  
par. 3,  
repealed.

**16.** Paragraph 3 of section 409 of *The Municipal Act* is repealed.

Rev. Stat.,  
c. 233, s. 430,  
amended.

**17.** Section 430 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1931*, is further amended by adding thereto the following paragraph and sub-heading:

*Dealers in Old Gold.*

Licensing of  
dealers in  
old gold, etc.

4. For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewelry or other articles for the purpose of smelting the same and recovering the gold therefrom, and for revoking any license granted.

- (a) The fee to be paid for a license shall not exceed \$1 per year.

Rev. Stat.,  
c. 233, s. 469,  
subs. 5,  
re-enacted.

**18.** Subsection 5 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

When failure  
to give notice  
of claim is  
not a bar to  
action.

- (5) In the case of the death of the person injured, failure to give notice shall not be a bar to the action and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established.

Commence-  
ment of Act.

**19.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 16. A county may now guarantee debentures issued by any of its local municipalities.

It is wise that such power be no longer possessed.

Section 17. The recent creation of a market for old gold, etc., to be melted down has opened the door for abuses and fraud, which police find difficult to run down because of absence of control of those engaged in the business. For that reason it is desirable that urban communities license, at a nominal fee, those in the business.

Section 18. During many years the Supreme Court Judges have on occasion commented on the harshness of the rules which bar a claimant from recovering damages for non-repair of a road because of failure to give notice of the claim within 7 days of the accident (10 days in a county or township), and inability to satisfy the Judge that there was a sufficient reason for not having given the notice.

The amendment contained in this section meets the criticism of the Judges without prejudicing the municipality in its defense upon the merits.



BILL

The Municipal Amendment Act, 1936.

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*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Municipal Amendment Act, 1936.

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MR. CROLL

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No. 130

1936

# BILL

## The Municipal Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Amendment Act, 1936*.

Rev. Stat.  
c. 233, s. 53,  
amended.      **2.** Section 53 of *The Municipal Act* is amended by adding thereto the following subsections:

Ineligibility  
of member  
whose term  
of office is  
not expired  
to qualify  
for another  
office unless  
he resigns  
his present  
office.

(1a) In any municipality in which under the provisions of this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the annual municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

Appoint-  
ments to  
two com-  
missions,  
etc.

(5) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of an electric railway, street railway or steam railway mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,  
cc. 57, 249.

Rev. Stat.,  
c. 233, s. 56,  
subs. 5,  
re-enacted.      **3.** Subsection 5 of section 56 of *The Municipal Act* is repealed and the following substituted therefor:

- (5) If the rating of land owned or occupied by two or more persons jointly and not severally is sufficient, if equally divided among them, to give a qualification to all, each of them shall be deemed to be rated within the meaning of this section; and if such rating is insufficient to qualify all, so many of them shall be deemed to be rated within the meaning of this section as will result in whole numbers from a division of the minimum rating prescribed by subsection 2 into the total rating of the land, and in such case the persons who shall be deemed to be rated shall be named in a writing to be signed by all such joint owners or occupants and upon such nomination being filed with the clerk.

Joint  
tenancy.

4. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 233,  
amended.

- 71a. If a candidate for any office dies after being nominated and having qualified and before the close of the poll, the returning officer shall fix a new day for nomination of candidates for such office and for polling, and the proceedings in such case shall as nearly as practicable be the same as for a new election.

New  
election  
in case of  
death of  
candidate.

5.—(1) Clause *b* of section 81 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 233, s. 81,  
cl. b,  
re-enacted.

- (b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city exceeds 450, and in any other municipality 300, in such a manner that the number in any polling subdivision in such a city shall not exceed 450 and that the number in any polling subdivision in any other municipality shall not exceed 300.

Number of  
electors  
in a  
subdivision

(2) Clause *e* of the said section 81 is amended by striking out the figures "200" in the second line and inserting in lieu thereof the figures "450" so that the said clause shall now read as follows: Rev. Stat.,  
c. 233, s. 81,  
cl. e,  
amended.

- (e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 450 in a city, or 300 in any other municipality, he shall notify the council of the fact.

Duty of  
clerk when  
population  
exceeds  
limit.

6. Subsection 1 of section 82 of *The Municipal Act* is amended by striking out the words "urban municipalities" in the first and second lines and inserting in lieu thereof the words "towns and villages" so that the said subsection shall now read as follows: Rev. Stat.,  
c. 233, s. 82,  
subs. 1,  
amended.



Uniting  
polling  
sub-  
divisions.

- (1) By-laws may be passed by the councils of towns and villages for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling sub-divisions with one polling place therefor.

Rev. Stat.,  
c. 233, s. 109,  
subs. 2,  
amended.

7. Subsection 2 of section 109 of *The Municipal Act* as amended by section 2 of *The Municipal Amendment Act, 1929*, is further amended by striking out the word "seven" in the fifth line and inserting in lieu thereof the word "nine."

Rev. Stat.,  
c. 328,  
s. 109a,  
(1934,  
c. 34, s. 3),  
amended.

8. Section 109a of *The Municipal Act* as enacted by section 3 of *The Municipal Amendment Act, 1934*, is amended by adding thereto the following subsection:

Change of  
polling  
hours.

- (5a) The council of a municipality to which this section applies may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between nine o'clock in the forenoon and nine o'clock in the afternoon, and such by-law shall remain in force from year to year until repealed.

Rev. Stat.,  
c. 233,  
amended.

9. *The Municipal Act* is amended by adding thereto the following section:

Special  
poll for  
soldiers'  
hospitals.

- 109b.—(1) Wherever in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, the council may by by-law declare any such home, hospital or institution to be a polling place for the purpose of elections and a poll shall be held in each such place and all patients therein who are electors of the municipality shall be entitled to vote at such poll.
- (2) When any such patient is bed-ridden or unable to walk it shall be lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot.
- (3) Subsections 6, 7, 8, 13 and 14 of section 109a shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections.

**10.** Section 160 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 233, s. 160,  
amended.

- (f) files his resignation with the clerk of the municipality as provided in subsection 1a of section 53 for the purpose of becoming a candidate for council in some other office. Filing  
registration.

**11.** Section 166 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 233, s. 166,  
amended.

- (5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 1a of section 53, the vacancy shall not be filled in the manner provided in section 164 or 165, but the seat shall remain vacant until the next ensuing annual election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office. Vacancies  
not  
requiring a  
by-election.

**12.** Subsection 1 of section 200 of *The Municipal Act* is amended by striking out the words "fourth Tuesday" in the fifth and sixth lines and in the ninth line and inserting in lieu thereof the words "third Tuesday," and by striking out the words "or at two o'clock in the afternoon or at half-past seven o'clock in the afternoon of the next preceding Monday" at the end thereof, so that the said subsection shall now read as follows: Rev. Stat.,  
c. 233, s. 200,  
subs. 1,  
amended.

- (1) Subject to subsection 2 the first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the third Tuesday of the same month, at two o'clock in the afternoon, but the council of any county may, by by-law, provide that the first meeting shall be held at half-past seven o'clock in the afternoon of such third Tuesday. First  
meeting of  
council.

**13.** Subsection 11 of section 221a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1933*, is repealed and the following substituted therefor: Rev. Stat.,  
c. 233, s.  
221a, subs.  
11 (1933, c.  
37, s. 6),  
amended.

- (11) Nothing in subsections 9 and 10 shall extend to prohibit the payment of any obligation, debt or other liability to which by law the corporation is committed. Payment of  
obligations.



Rev. Stat.,  
c. 233, s. 229,  
subs. 1  
re-enacted.

**14.** Subsection 1 of section 229 of *The Municipal Act* is repealed, and the following substituted therefor:

Clerk's  
returns to  
department.

- (1) The clerk of every municipality shall in each year within the time prescribed by the department make a return to the department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the department may prescribe, and every such return shall be transmitted by registered post.

Rev. Stat.,  
c. 233, s. 230,  
subs. 1,  
amended.

**15.** Subsection 1 of section 230 of *The Municipal Act* is amended by striking out the words "who may be paid either by salary or by a percentage" in the first and second lines.

Rev. Stat.,  
c. 233, s. 235,  
subs. 1,  
re-enacted.

**16.** Subsection 1 of section 235 of *The Municipal Act* is repealed, and the following substituted therefor:

Treasurer's  
returns to  
department.

- (1) The treasurer of every municipality shall in each year within the time prescribed by the department make a return to the department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the department may prescribe, and every such return shall be transmitted by registered post.

Rev. Stat.,  
c. 233, s. 238,  
subs. 1,  
amended.

**17.—**(1) Subsection 1 of section 238 of *The Municipal Act* is amended by striking out the word "annually" in the second line.

Subs. 2,  
re-enacted.

(2) Subsection 2 of the said section 238 is repealed and the following substituted therefor:

Appoint-  
ments need  
not be  
annual.

- (2) Every by-law appointing an assessor or a collector shall remain in force until the same is repealed, and it shall not be necessary to appoint the assessor or collector annually.

Rev. Stat.,  
c. 233, s. 239,  
subs. 3,  
re-enacted.

**18.** Subsection 3 of section 239 of *The Municipal Act* is repealed, and the following substituted therefor:

Annual  
appoint-  
ments not  
necessary.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors who, with the assessment commissioner, constitute the board of assessors.

Rev. Stat.,  
c. 233, s. 245,  
subs. 2,  
amended.

**19.** Subsection 2 of section 245 of *The Municipal Act* is amended by striking out the word "detailed" where it occurs in the third, eighth and tenth lines, and by striking out the

word "council" in the fifth line and inserting in lieu thereof the word "department," and by striking out the words "Bureau of Municipal Affairs" in the ninth line and inserting in lieu thereof the word "department," so that the said subsection shall now read as follows:

- (2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a statement in duplicate of the same for the next preceding year in such form as the department may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the statement to the department, and shall file the other abstract, the other statement, and their reports, in the office of the clerk not later than the 1st day of March.

To prepare abstract and statement of receipts and expenditure, etc.

**20.**—(1) Subsection 4 of section 248a of *The Municipal Act* as enacted by section 8 of *The Municipal Amendment Act, 1932*, is repealed and the following substituted therefor:

Rev. Stat., c. 233, s. 248a, subs. 4, (1932, c. 29, s. 8), re-enacted.

- (4) Forthwith after the production before the council of any bond, policy or guarantee contract required under this section, the clerk shall deposit the same with the clerk of the peace for the county or district in which the municipality is situate, who shall keep the same in his custody, and at the same time the head and clerk of the municipality shall make a return to the department of all such bonds, policies and guarantee contracts in and according to the form prescribed by the department.

Filing of surety bonds and return as to same.

(2) Subsection 6 of the said section 248a is repealed and the following substituted therefor:

Rev. Stat., c. 233, s. 248a, subs. 6, re-enacted.

- (6) The department may upon examination of any return made to it for any municipality under this section report to the council in respect to matters arising out of the return, and as to the necessity for other officers, employees and servants furnishing security, and as to the sufficiency of security furnished as disclosed by the return.

Notices from department as to surety bonds.

**21.**—(1) Clause *b* of subsection 3 of section 296 of *The Municipal Act* is amended by striking out the figure "4" in the second line and inserting in lieu thereof the figure "3."

Rev. Stat., c. 233, s. 296, subs. 3, cl. b, amended.

(2) The said section 296 is further amended by adding there- to the following subsection:

Rev. Stat., c. 233, s. 296, amended.

Sinking fund  
debenture  
proposals to  
be approved  
by Muni-  
cipal Board.

- (14) No by-law providing for the issue of sinking fund debentures shall be submitted for the assent, or to obtain the opinion of the electors, and no debt shall be incurred for any purpose if it is intended that the cost be provided by the subsequent issue of sinking fund debentures, until the approval of the Ontario Municipal Board as to the issue of sinking fund debentures has first been applied for and obtained.

Rev. Stat.,  
c. 233, s. 317,  
amended.

- 22.** Section 317 of *The Municipal Act* is amended by adding at the end thereof the words "provided that the Board shall not approve of any greater portion or percentage than twenty-five per centum of the total sinking fund being invested at any one time in debentures of the corporation."

Rev. Stat.,  
c. 233, s. 328,  
re-enacted.

- 23.** Section 328 of *The Municipal Act* is repealed and the following substituted therefor:

Commission  
of financial  
inquiry.

- 328.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into the financial affairs of any municipality, or local board thereof, and any matter connected therewith, and the Commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

Rev. Stat.,  
c. 20.

When com-  
mission may  
issue.

- (2) A commission may be recommended at the instance of the department, or upon the request in writing of not less than one-third of the members of a council, or of not less than fifty ratepayers assessed as owners and resident in the municipality.

Expenses of  
commission.

- (3) the expenses of and incidental to the execution of the Commission, including the fees and disbursements of the Commissioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality.

Rev. Stat.,  
c. 233, s. 397,  
par. 49,  
amended.

- 24.**—(1) Paragraph 49 of section 397 of *The Municipal Act* is amended by inserting after the word "regulating" in the first line, the words "within any part of the municipality or within any defined area thereof, or upon any defined highways therein" so that the said paragraph shall now read as follows:

Animals  
running  
at large.

49. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.



(2) The said section 397 is further amended by adding thereto the following paragraph: Rev. Stat., c. 233, s. 397, amended.

65. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a band or bands of music and for making annual or other grants from such fund to any band or bands or to the members thereof. Establishing funds for bands.

(a) No by-law shall be passed under the authority of this paragraph unless the assent of the electors qualified to vote on money by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent. Assent of electors requisite.

(b) Upon a petition for the establishment of a fund under the authority of this paragraph being presented to the council of a municipality signed by not less than fifteen per centum in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing annual municipal elections submit a by-law for the establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law. Submission of by-law on petition.

**25.**—(1) Paragraph 1 of section 407 of *The Municipal Act* as amended by subsection 2 of section 11 of *The Municipal Amendment Act, 1933*, is amended by adding thereto the following clause: Rev. Stat., c. 233, s. 407, par. 1, amended.

(b) The license fee shall not exceed in the case of a city, \$100, and in the case of a local municipality other than a city, \$25. License fees.

(2) This section shall be deemed to have come into force and taken effect on and from the 18th day of April, 1933. Commencement of section.

**26.** Paragraph 3 of section 409 of *The Municipal Act* is repealed. Rev. Stat., c. 233, s. 409 par. 3, repealed.

**27.** Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as re-enacted by section 12 of *The Municipal Amendment Act, 1929*, and amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1933*, is further amended by striking out the words "for the license" in the first line and inserting in lieu thereof the words "for a license in the case of a transient trader" so that the said clause shall now read as follows: Rev. Stat., c. 233, s. 429, par. 6, clause d (1929, c. 53, s. 12), amended.

**Fees.**

- (d) Subject to the provisions of clause *dd* the fee to be paid for a license in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

Rev. Stat.,  
c. 233, s. 430,  
amended.

**28.** Section 430 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1931*, is further amended by adding thereto the following paragraph and sub-heading:

*Dealers in Old Gold.*

Licensing of  
dealers in  
old gold, etc.

4. For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewelry or other articles for the purpose of smelting the same and recovering the gold therefrom, and for revoking any license granted.

- (a) The fee to be paid for a license shall not exceed \$1 per year.

Rev. Stat.,  
c. 233,  
s. 431a  
(1928, c. 37,  
s. 16),  
amended.

**29.** Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, is amended by adding thereto the following paragraph:

"Tag days."

2. For fixing days when persons and organizations engaged in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

Rev. Stat.,  
c. 233, s. 469,  
subs. 5,  
re-enacted.

**30.** Subsection 5 of section 469 of *The Municipal Act* is repealed and the following substituted therefor:

When failure  
to give notice  
of claim is  
not a bar to  
action.

- (5) In the case of the death of the person injured, failure to give notice shall not be a bar to the action and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established.

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
amended.

**31.—**(1) Paragraph 3 of section 495 of *The Municipal Act* as amended by section 11 of *The Municipal Amendment Act, 1936*, is further amended by adding after the word "reasonable" in the eleventh line the words: "and for providing that upon the

termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law," so that the said paragraph exclusive of clauses *a* and *b*, shall now read as follows:

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks; for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

Areas and openings, etc., under highways.

(2) Clause *a* of paragraph 3 of the said section 495 is amended by inserting after the word "charge" in the first line, the words "and any expense incurred by the corporation in restoring the highway to its former condition," so that the said clause shall now read as follows:

Rev. Stat., c. 233, s. 495, para. 3, clause *a*, amended.

- (a) Such annual or other charge, and any expense incurred by the corporation in restoring the highway to its former condition, shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Recovery of annual and other charges.

**32.** Section 502 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 233, s. 502, amended.

7. For erecting, maintaining and operating, or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating on any highway or portion of a highway automatic or

Installation of meters for controlling parking of vehicles on highways, and charging of fees for parking.



other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

Rev. Stat.,  
c. 240, not  
applicable.

- (a) It shall not be necessary for the council to comply with any requirement of *The Municipal Franchises Act* in granting to any person the right to erect, maintain and operate the said meters or devices.

Limitation  
of actions  
except for  
negligence.

- (b) The corporation, or a person to whom the right is granted, shall not, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Commence-  
ment of Act.

**33.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

The Municipal Amendment Act, 1936.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. CROLL

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No. 131

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The Department of Municipal Affairs Act, 1935.

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MR. CROLL

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No. 131

1936

# BILL

## An Act to amend The Department of Municipal Affairs Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1936*.

1935,  
c. 16, s. 2,  
cl. d,  
amended.      **2.** Clause *d* of section 2 of *The Department of Municipal Affairs Act, 1935*, is amended by adding at the end thereof the words "or of two or more municipalities or portions thereof."

1935,  
c. 16, s. 15,  
re-enacted.      **3.** Section 15 of the said Act is repealed and the following substituted therefor:

Appoint-  
ment of  
auditor.      15. An audit directed to be made under this Part may be made by any officer of the Department, or by a competent auditor appointed by the Minister, and the officer and person so appointed shall for the purposes of such audit have all the powers mentioned in section 16.

1935,  
c. 16, s. 22,  
amended.      **4.** Section 22 of the said Act is amended by inserting after the word "prescribed" in the third line the words "or order made."

1935,  
c. 16, s. 25,  
subs. 1, cl. c,  
re-enacted.      **5.**—(1) Clause *c* of subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

Financial  
difficulties.      (c) has or may become financially involved or embarrassed that default or unusual difficulty in meeting debts or obligations, or in providing adequate funds to meet current expenditures may ensue, or has failed to levy the necessary rates to meet current expenditures.

1935,  
c. 16, s. 28,  
re-enacted.      **6.** Section 28 of the said Act is repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Clause 2. This amendment is merely to cover cases where a local board acts for more than one municipality.

Clause 3. This amendment is merely to clarify the section as to the routine work of departmental officials, and makes no other changes.

Clause 4. This amendment is to clarify the section so that the Department may obtain statistical information which is not returned, so that the annual volume of municipal statistics may be more complete and accurate.

Clause 5. Is to enable the Board to bring the affairs of a municipality under control before default has occurred, when that disaster seems possible unless immediate steps are taken to correct situations which are developing because of inefficient financial management.

Clause 6. As financial supervision of defaulting municipalities is now largely a matter of departmental administration, it is proper that appeals against decisions of departmental officials should, in the first instance, be made to the Minister who, if he feels the circumstances warrant, will direct that the appeal be heard by the Municipal Board.

Appeals  
from  
orders of  
Department.

28. The council or a local board or any creditor dissatisfied with any order of the Department may within five days after such order is transmitted to the head of the municipality, or its clerk or treasurer or, in the case of a local board, to its chairman or secretary, appeal therefrom to the Minister, who may himself dispose finally of the appeal or direct the same to be disposed of by the Board.

1935,  
c. 16, s. 42,  
amended.

7. Section 42 of the said Act is amended by striking out the word "annually" in the third line.

1935,  
c. 16, s. 43,  
amended.

8. Section 43 of the said Act is amended by striking out the words "in the year next following the year in which he received it" in the second and third lines.

1935,  
c. 16, s. 46,  
subs. 2,  
re-enacted.

- 9.—(1) Subsection 2 of section 46 of the said Act is repealed and the following substituted therefor:

- (2) The registrar shall be entitled to the following fees for registration of a certificate under section 44, 45 or 48, and for searches made for the corporation for the purposes mentioned in section 44 and no others:

- (a) For registering a tax arrears certificate of vacant land, \$2 and 10 cents additional for every lot in excess of the first lot embraced in such certificate;
- (b) For registering a tax arrears certificate of improved land, \$2;
- (c) For registering a redemption or vacating certificate, 50 cents, and if the certificate embraces more than one parcel of land, for each additional parcel over one, 5 cents;
- (d) For each search made for the corporation for the purposes mentioned in section 44, 5 cents for each lot searched, but in no case to be more than \$5 for a search in respect of the lands described in any one certificate.

1935,  
c. 16, s. 46,  
amended.

- (2) The said section 46 is further amended by adding thereto the following subsection:

What lands  
certificate  
may  
embrace.

- (4) A tax arrears certificate of improved land shall not embrace more than one such property or any vacant land which is a separate parcel, and a tax arrears certificate of vacant land shall not embrace lots according to more than one registered plan or any improved land.

Clause 7. The amendment is to give more continuity in office to members of the Court of Revision in the supervised municipalities.

Clause 8. The amendment is to enable tax rolls to be returned during the current year if they are ready for such return.

Clause 9. The present provisions as to fees to be paid to registrars for tax arrears vesting certificates, etc., are not quite satisfactory, and these have been revised to put them on a fairer basis to both the registrar and the municipality.

1935,  
c. 16, s. 48,  
subs. 1,  
amended.

**10.**—(1) Subsection 1 of section 48 of the said Act is amended by striking out the words “and are not redeemed” in the third line.

1935,  
c. 16, s. 48,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 48 is amended by striking out the words “within two years after registration of such certificate” in the seventh and eighth lines.

1935,  
c. 16, s. 50,  
subs. 1,  
amended.

**11.** Subsection 1 of section 50 of the said Act is amended by striking out the word “and” in the fourth line and inserting in lieu thereof the word “or,” and by inserting after the word “thereof” in the fifth line the words “or both.”

Commence-  
ment of Act.

**12.** This Act shall come into force on the day upon which it receives the Royal Assent.



Clause 10. The amendment is to enable lands to be redeemed by the original owner, notwithstanding that the time for redemption expired more than two years previously.

Clause 11. The amendment is to enable tax arrears compromises to cover either extensions of time or reductions in payment, or both.



BILL

An Act to amend The Department of  
Municipal Affairs Act, 1935.

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*1st Reading*

April 1st, 1936

*2nd Reading*

*3rd Reading*

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Department of Municipal Affairs Act, 1935.

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MR. CROLL

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No. 131

1936

# BILL

## An Act to amend The Department of Municipal Affairs Act, 1935.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1936*.

1935,  
c. 16, s. 2,  
cl. d,  
amended.

**2.** Clause *d* of section 2 of *The Department of Municipal Affairs Act, 1935*, is amended by adding at the end thereof the words "or of two or more municipalities or portions thereof."

1935,  
c. 16, s. 15,  
re-enacted.

**3.** Section 15 of *The Department of Municipal Affairs Act, 1935*, is repealed and the following substituted therefor:

Appoint-  
ment of  
auditor.

**15.** An audit directed to be made under this Part may be made by any officer of the Department, or by a competent auditor appointed by the Minister, and the officer and person so appointed shall for the purposes of such audit have all the powers mentioned in section 16.

1935,  
c. 16, s. 22,  
amended.

**4.** Section 22 of *The Department of Municipal Affairs Act, 1935*, is amended by inserting after the word "prescribed" in the third line the words "or order made."

1935,  
c. 16, s. 25,  
subs. 1, cl. c,  
re-enacted.

**5.** Clause *c* of subsection 1 of section 25 of *The Department of Municipal Affairs Act, 1935*, is repealed and the following substituted therefor:

Financial  
difficulties.

(*c*) has or may become financially involved or embarrassed that default or unusual difficulty in meeting debts or obligations, or in providing adequate funds to meet current expenditures may ensue, or has failed to levy the necessary rates to meet current expenditures.

1935,  
c. 16, s. 28,  
re-enacted.

**6.** Section 28 of *The Department of Municipal Affairs Act, 1935*, is repealed and the following substituted therefor:

28. The council or a local board or any creditor dissatisfied with any order of the Department may within five days after such order is transmitted to the head of the municipality, or its clerk or treasurer or, in the case of a local board, to its chairman or secretary, appeal therefrom to the Minister, who may himself dispose finally of the appeal or direct the same to be disposed of by the Board.
- Appeals  
from  
orders of  
Department.

7. Section 42 of *The Department of Municipal Affairs Act* 1935, is amended by striking out the word "annually" in the third line. 1935,  
c. 16, s. 42,  
amended.

8. Section 43 of *The Department of Municipal Affairs Act*, 1935, is amended by striking out the words "in the year next following the year in which he received it" in the second and third lines. 1935,  
c. 16, s. 43,  
amended.

9.—(1) Subsection 2 of section 46 of *The Department of Municipal Affairs Act*, 1935, is repealed and the following substituted therefor: 1935,  
c. 16, s. 46,  
subs. 2,  
re-enacted.

- (2) The registrar shall be entitled to the following fees for registration of a certificate under section 44, 45 or 48, and for searches made for the corporation for the purposes mentioned in section 44 and no others: Fees of  
registrar.

- (a) For registering a tax arrears certificate of vacant land, \$2 and 10 cents additional for every lot in excess of the first lot embraced in such certificate;
- (b) For registering a tax arrears certificate of improved land, \$2;
- (c) For registering a redemption or vacating certificate, 50 cents, and if the certificate embraces more than one parcel of land, for each additional parcel over one, 5 cents;
- (d) For each search made for the corporation for the purposes mentioned in section 44, 5 cents for each lot searched, but in no case to be more than \$5 for a search in respect of the lands described in any one certificate.

(2) The said section 46 is further amended by adding thereto the following subsection: 1935,  
c. 16, s. 46,  
amended.

- (4) A tax arrears certificate of improved land shall not embrace more than one such property or any vacant land which is a separate parcel, and a tax arrears What lands  
certificate  
may  
embrace.

certificate of vacant land shall not embrace lots according to more than one registered plan or any improved land.

1935,  
c. 16, s. 48,  
subs. 1,  
amended.

**10.**—(1) Subsection 1 of section 48 of *The Department of Municipal Affairs Act, 1935*, is amended by striking out the words “and are not redeemed” in the third line.

1935,  
c. 16, s. 48,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 48 is amended by striking out the words “within two years after registration of such certificate” in the seventh and eighth lines.

1935,  
c. 16, s. 50,  
subs. 1,  
amended.

**11.** Subsection 1 of section 50 of *The Department of Municipal Affairs Act, 1935*, is amended by striking out the word “and” in the fourth line and inserting in lieu thereof the word “or,” and by inserting after the word “thereof” in the fifth line the words “or both.”

Commence-  
ment of Act.

**12.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Department of  
Municipal Affairs Act, 1935.

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*1st Reading*

April 1st, 1936

*2nd Reading*

April 3rd, 1936

*3rd Reading*

April 8th, 1936

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MR. CROLL

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Wages Act.

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MR. NEWMAN

---

No. 132

1936

# BILL

## An Act to amend The Wages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Wages Amendment Act, 1936*.

Rev. Stat.,  
c. 176, s. 1,  
amended.

**2.**—(1) Section 1 of *The Wages Act* is amended by inserting therein the following clause:

Interpreta-  
tion.

"Journey-  
man  
thresher."

"Journeyman thresher" shall mean and include every person who operates for hire a portable threshing machine or separator to thresh beans, seeds or grain, and who receives remuneration therefor by the hour, day, bushel threshed or otherwise.

Rev. Stat.,  
c. 176, s. 1,  
amended.

(2) The said section 1 is further amended by adding at the end of the definition of "Wages" the words "and shall include the remuneration payable to a journeyman thresher," so that the said definition shall now read:

"Wages."

"Wages" shall mean and include wages and salary whether the employment in respect of which the same is payable is by time or by the job or piece or otherwise and shall include the remuneration payable to a journeyman thresher.

Rev. Stat.,  
c. 176,  
amended.

**3.** *The Wages Act* is amended by adding thereto the following section:

Journeyman  
thresher  
entitled to  
priority.

**5a.** A journeyman thresher shall be entitled to exercise and shall receive the benefits of any of the priorities for wages conferred by this Act in respect of wages earned by him during the ninety-day period immediately preceding an assignment, seizure, attachment, death or other event on the happening of which a priority is created by this Act, and shall

#### EXPLANATORY NOTES

Section 2.—(1) Defines "Journeyman thresher."

(2) Extends the definition of wages to include the remuneration payable to a journeyman thresher.

Section 3. The Act is extended so that a journeyman thresher shall receive the benefits of the priorities set out in the Act.



have the same rights as other creditors for the residue, if any, of his claim.

Commence-  
ment of Act

4. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Wages Act.

---

*1st Reading*

April 1st, 1935

*2nd Reading*

*3rd Reading*

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MR. NEWMAN

---

No. 133

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act for Raising Money on the Credit of the Consolidated  
Revenue Fund.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1936*.

Loan of  
\$30,000,000  
authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole thirty million dollars (\$30,000,000).

Terms to be  
fixed by  
Lieutenant-  
Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking  
fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,  
c. 23.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act for Raising Money on the Credit  
of the Consolidated Revenue Fund.

---

*1st Reading*

April 2nd, 1936

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

---

# BILL

An Act for Raising Money on the Credit of the Consolidated  
Revenue Fund.

---

MR. HEPBURN

---

# BILL

## An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Loan Act, 1936*.

Loan of  
\$30,000,000  
authorized.

2. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole thirty million dollars (\$30,000,000):

Terms to be  
fixed by  
Lieutenant-  
Governor.

3. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking  
fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,  
c. 23.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act for Raising Money on the Credit  
of the Consolidated Revenue Fund.

---

*1st Reading*

April 2nd, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

---

MR. HEPBURN

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No. 134

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Unemployment Relief Act, 1935.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 134

1936

# BILL

## An Act to amend The Unemployment Relief Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Unemployment Relief Amendment Act, 1936*.

1935,  
c. 71, s. 2,  
subs. 2,  
amended.

**2.** Subsection 2 of section 2 of *The Unemployment Relief Act, 1935*, is amended by adding thereto the following clause:

(h) make regulations for the establishment of a system of employment and unemployment registration and certification with respect to employment in relation to unemployment and unemployment relief, and for compliance with such system by employers, employees, and unemployed persons.

1935,  
c. 71, s. 7,  
amended.

**3.** Section 7 of the said Act is amended by adding thereto the following subsection:

Inclusion  
of direct  
relief  
cost in  
current  
estimates  
of council.

(2a) The Council of a municipality which does not include in its estimates for any year appropriations to be met out of the current revenues of such year of an amount sufficient to meet in full the cost of direct relief, or the municipality's share thereof, estimated to be incurred and expended during the year, shall not adopt the yearly estimates or levy the rates for such year until application to the said board has been made for approval of debentures being issued to meet that part of the said cost or share for which no appropriation has been made in the estimates, and if no such approval is given by the said board, or to the extent to which such approval is not given, the council shall include in the yearly estimates an appropriation to be met out of current revenues, of an amount sufficient for the said purpose.

Commence-  
ment of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

Section 2. Is to authorize regulations with a view to promoting employment and to ensure that persons in employment are not being given relief when not employed.

Section 3. Is to require municipal councils to ascertain from the Municipal Board whether approval of the issue of debentures for any part of the cost of direct relief will be given before the council adopts its annual estimates and to require councils to include in such estimates the cost of direct relief which is not to be covered by debentures.

BILL

An Act to amend The Unemployment  
Relief Act, 1935.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

No. 134

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

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No. 134

1936

# BILL

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Short title.

**1.** This Act may be cited as *The Unemployment Relief Amendment Act, 1936*.

1935,  
c. 71, s. 2,  
subs. 2,  
amended.

**2.** Subsection 2 of section 2 of *The Unemployment Relief Act, 1935*, is amended by adding thereto the following clause:

Authority of  
Lieutenant  
Governor.

(h) make regulations for the establishment of a system of employment and unemployment registration and certification with respect to employment in relation to unemployment and unemployment relief, and for compliance with such system by employers, employees, and unemployed persons.

1935,  
c. 71, s. 7,  
amended.

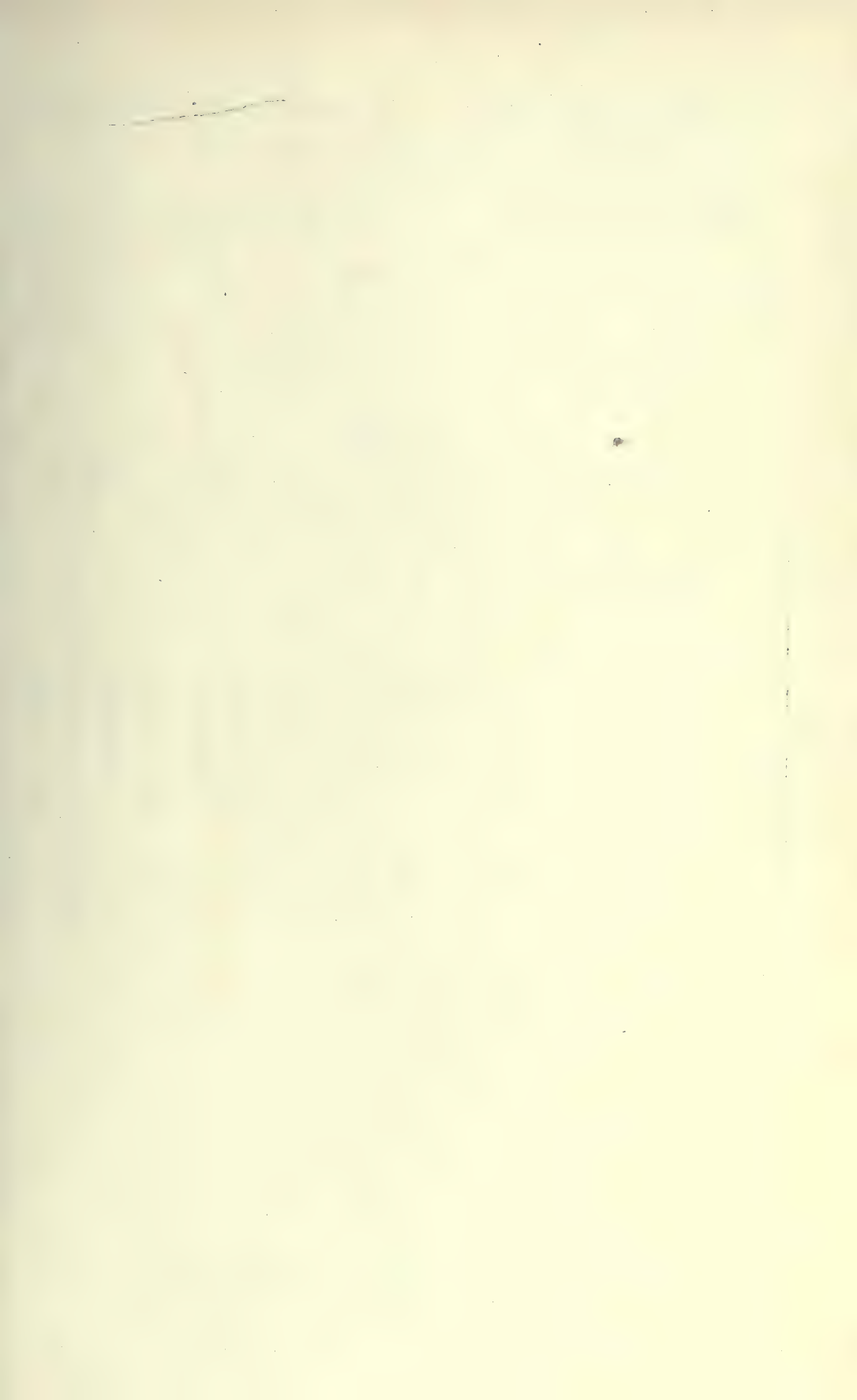
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of direct  
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of council.

(2a) The Council of a municipality which does not include in its estimates for any year appropriations to be met out of the current revenues of such year of an amount sufficient to meet in full the cost of direct relief, or the municipality's share thereof, estimated to be incurred and expended during the year, shall not adopt the yearly estimates or levy the rates for such year until application to the said board has been made for approval of debentures being issued to meet that part of the said cost or share for which no appropriation has been made in the estimates, and if no such approval is given by the said board, or to the extent to which such approval is not given, the council shall include in the yearly estimates an appropriation to be met out of current revenues, of an amount sufficient for the said purpose.

Commence-  
ment of Act

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Unemployment  
Relief Act, 1935.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 8th, 1936

---

MR. CROLL

---

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to amend The City of Windsor (Amalgamation) Act, 1935.

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MR. CROLL

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# BILL

## An Act to amend The City of Windsor (Amalgamation) Act, 1935.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Windsor (Amalgamation) Amendment Act, 1936*.

1935,  
c. 74,  
amended.

2. Sections 5, 6, 7 and 9 of *The City of Windsor (Amalgamation) Act, 1935* (therein referred to as the Amalgamation Act) are repealed and the following substituted therefor:

Application  
of Part III  
Department  
of  
Municipal  
Affairs Act,  
1935, c. 16.

5. Part III of *The Department of Municipal Affairs Act, 1935*, shall apply to the new city and to every local board thereof, and all its and their affairs, and the same shall be subject to the provisions of the said Part, and wherever in the Amalgamation Act reference is made to the Windsor Finance Commission, such reference shall be deemed to refer to and mean the Department of Municipal Affairs for Ontario.

Council and  
its com-  
position.

6.—(1) For the year 1937 and thereafter the council of the new city shall be composed of a mayor, four controllers and ten aldermen.

How  
elected.

(2) The mayor and controllers shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the wards of the new city.

Term of  
office.

(3) The mayor, controllers and aldermen shall each hold office for a term of two years, provided that at the annual election for the year 1937, of the four controllers elected, the two controllers elected by the highest number of votes shall hold office for two years, and the other two shall hold office for one year, and of the two aldermen elected for each ward, the one elected by the highest number of votes shall

#### EXPLANATORY NOTES

General. Amalgamation of the new city of Windsor having been accomplished, it is no longer essential that the Windsor Finance Commission be continued. That body was specially created to bring amalgamation into effect, to administer preliminary matters, and supervise finances during the period of transition. Hereafter such measure of financial supervision of the affairs of Windsor can sufficiently be exercised by the Department of Municipal Affairs under the general statutes relating to defaulting and supervised communities.

Section 2. This repeals the provisions of the Amalgamation Act as to the creation and functioning of the Finance Commission and its special staff, including the finance comptroller, and substitutes the supervisory direction of the Department under the general law of the Province.

The composition of the council of the new city is now limited to a mayor and aldermen, but as the population of the new city exceeds 100,000 it should have the same council body as other cities of similar size, namely, mayor, board of control and aldermen. The amendments contained in this Bill provide for such a council, the members to be elected for a two year term.

Special sections to confirm the assessment and tax rate by-laws of the new city, and to transfer the General Byng school to a high school category (as it has been used) are included in the amendments.



hold office for two years, and the other shall hold office for one year. Thereafter at each succeeding annual election two controllers shall be elected by general vote and one alderman shall be elected for each ward, all of whom shall hold office for the term of two years. The mayor shall be elected biennially by general vote.

Board of control.

- (4) The mayor and the four controllers shall form the board of control of the new city.

Application of Municipal Act. Rev. Stat. c. 233.

- (5) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and the board of control, and to the members thereof.

Present council to continue for 1936.

- (6) The council of the new city elected in 1935 shall continue in office for 1936, and until the council for the year 1937 takes office.

Confirmation of actions of finance commission.

7. All acts, transactions, contracts, matters and things done, made, entered into or performed by or in the name of The Windsor Finance Commission, or purporting so to be, in the execution and performance or intended execution and performance of the functions, authorities, powers and duties of the said Commission are hereby ratified and confirmed and declared to be and to have been legal, valid and binding for all purposes and upon all persons, notwithstanding any real want of authority or irregularity in respect thereto, or any irregularity or illegality in the composition of the said Commission.

By-laws Nos. 22, 26 and 33 confirmed.

- 9.—(1) By-laws numbers 22, 26 and 33 of the new city are hereby validated and confirmed, and shall be binding upon the ratepayers of the new city.

General Byng school declared to be a high school.

- (2) The General Byng school in the former town of Sandwich vested in the board of education of the new city is declared to be a high school for the purposes of *The High Schools Act*, and all debts of the corporation of the said former town incurred with respect to the said school and the site thereof shall, up to the maximum sum of \$250,000 of the said debt as authorized and contracted, with interest thereon, be the debt of a high school and not of a public school, and all rates necessary to discharge such debts and interest thereon shall be levied as for high school purposes and not as for public school purposes, notwithstanding the provisions to the contrary of any by-law passed by the council of the said former town.



1935,  
c. 74, s. 13,  
re-enacted.

**3.** Section 13 of the Amalgamation Act is repealed and the following substituted therefor:

Parks  
vested in  
council.

13.—(1) The council of the new city shall have the management and control of all parks and playgrounds in the place and stead of a board of park management.

Libraries  
vested in  
library  
board.

(2) The management and control of the public libraries of the new city shall be vested in a public library board to be appointed as provided in *The Public Libraries Act*, the provisions of which shall apply to the new city.

1935,  
c. 74, s. 23,  
repealed.

**4.** Section 23 of the Amalgamation Act is repealed.

1935,  
c. 74, s. 25,  
amended.

**5.** Section 25 of the Amalgamation Act is amended by adding thereto the following subsection:

Application  
of special  
Acts.

(2) Subject as provided in this Act, and in so far as the same are not in conflict therewith, the provisions of any special Act relating to the amalgamated municipalities, or any of them, shall continue to apply to the new city, except that if there be any conflict between the provisions of any special Act respecting the former city of Windsor and any special Act respecting any of the other or others of the amalgamated municipalities, the provisions of the special Act respecting the former city of Windsor shall as between them prevail.

Amalgama-  
tion finally  
effected  
as of  
1st January,  
1936.

**6.** The amalgamation and incorporation of the new city shall for all the purposes of the Amalgamation Act and this and any other general or special Act be deemed to have been fully completed and finally become effective on and from the 1st day of January, 1936.

Commence-  
ment of Act.

**7.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 3. It is deemed advisable to create a Public Library Board to manage the public libraries so that this important asset to community life will not be neglected. Section 13 of the Amalgamation Act is, therefore, amended.

Section 4. With the abolition of the Finance Commission, section 23 becomes unnecessary.

Section 5. It is advisable to declare that Special Acts relating to the amalgamated municipalities remain in effect.

Section 6. Is merely declaratory.

Section 7. The Act is to be brought into operation by Royal Proclamation.

BILL

An Act to amend The City of Windsor  
(Amalgamation) Act, 1935.

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

MR. CROLL

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# **BILL**

**An Act to amend The City of Windsor (Amalgamation) Act, 1935.**

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**MR. CROLL**

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**TORONTO**

**PRINTED BY T. E. BOWMAN**

**PRINTER TO THE KING'S MOST EXCELLENT MAJESTY**



# BILL

## An Act to amend The City of Windsor (Amalgamation) Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The City of Windsor (Amalgamation) Amendment Act, 1936*.

1935,  
c. 74,  
ss. 5, 6, 7, 9,  
re-enacted.

2. Sections 5, 6, 7 and 9 of *The City of Windsor (Amalgamation) Act, 1935* (herein referred to as the Amalgamation Act) are repealed and the following substituted therefor:

Application  
of Part III  
Department  
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Municipal  
Affairs Act,  
1935, c. 16.

5. Part III of *The Department of Municipal Affairs Act, 1935*, shall apply to the new city and to every local board thereof, and all its and their affairs, and the same shall be subject to the provisions of the said Part, and wherever in the Amalgamation Act reference is made to the Windsor Finance Commission, such reference shall be deemed to refer to and mean the Department of Municipal Affairs for Ontario.

Council and  
its com-  
position.

6.—(1) For the year 1937 and thereafter the council of the new city shall be composed of a mayor, four controllers and ten aldermen.

How  
elected.

(2) The mayor and controllers shall be elected by general vote, and of the ten aldermen, two shall be elected for each of the wards of the new city.

Term of  
office.

(3) The mayor, controllers and aldermen shall each hold office for a term of two years, provided that at the annual election for the year 1937, of the four controllers elected, the two controllers elected by the highest number of votes shall hold office for two years, and the other two shall hold office for one year, and of the two aldermen elected for each ward, the one elected by the highest number of votes shall

hold office for two years, and the other shall hold office for one year. Thereafter at each succeeding annual election two controllers shall be elected by general vote and one alderman shall be elected for each ward, all of whom shall hold office for the term of two years. The mayor shall be elected biennially by general vote.

- (4) The mayor and the four controllers shall form the board of control of the new city. Board of control.
- (5) Except as provided in this Act, the provisions of *The Municipal Act* shall apply to the council and the board of control, and to the members thereof. Application of Municipal Act. Rev. Stat. c. 233.
- (6) The council of the new city elected in 1935 shall continue in office for 1936, and until the council for the year 1937 takes office. Present council to continue for 1936.
7. All acts, transactions, contracts, matters and things done, made, entered into or performed by or in the name of The Windsor Finance Commission, or purporting so to be, in the execution and performance or intended execution and performance of the functions, authorities, powers and duties of the said Commission are hereby ratified and confirmed and declared to be and to have been legal, valid and binding for all purposes and upon all persons, notwithstanding any real want of authority or irregularity in respect thereto, or any irregularity or illegality in the composition of the said Commission. Confirmation of actions of finance commission.
- 9.—(1) By-laws numbers 22, 26 and 33 of the new city are hereby validated and confirmed, and shall be binding upon the ratepayers of the new city. By-laws Nos. 22, 26 and 33 confirmed.
- (2) The General Byng school in the former town of Sandwich vested in the board of education of the new city is declared to be a high school for the purposes of *The High Schools Act*, and all debts of the corporation of the said former town incurred with respect to the said school and the site thereof shall, up to the maximum sum of \$250,000 of the said debt as authorized and contracted, with interest thereon, be the debt of a high school and not of a public school, and all rates necessary to discharge such debts and interest thereon shall be levied as for high school purposes and not as for public school purposes, notwithstanding the provisions to the contrary of any by-law passed by the council of the said former town. General Byng school declared to be a high school.

1935,  
c. 74, s. 13,  
re-enacted.

3. Section 13 of the Amalgamation Act is repealed and the following substituted therefor:

Parks  
vested in  
council.

13.—(1) The council of the new city shall have the management and control of all parks and playgrounds in the place and stead of a board of park management.

Libraries  
vested in  
library  
board.

(2) The management and control of the public libraries of the new city shall be vested in a public library board to be appointed as provided in *The Public Libraries Act*, the provisions of which shall apply to the new city.

Rev. Stat.,  
c. 246.

1935,  
c. 74, s. 23,  
repealed.

4. Section 23 of the Amalgamation Act is repealed.

1935,  
c. 74, s. 25,  
amended.

5. Section 25 of the Amalgamation Act is amended by adding thereto the following subsection:

Application  
of special  
Acts.

(2) Subject as provided in this Act, and in so far as the same are not in conflict therewith, the provisions of any special Act relating to the amalgamated municipalities, or any of them, shall continue to apply to the new city, except that if there be any conflict between the provisions of any special Act respecting the former city of Windsor and any special Act respecting any of the other or others of the amalgamated municipalities, the provisions of the special Act respecting the former city of Windsor shall as between them prevail.

Amalgama-  
tion finally  
effected  
as of  
1st January,  
1936.

6. The amalgamation and incorporation of the new city shall for all the purposes of the Amalgamation Act and this and any other general or special Act be deemed to have been fully completed and finally become effective on and from the 1st day of January, 1936.

Commence-  
ment of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.











**BILL**

An Act to amend The City of Windsor  
(Amalgamation) Act, 1935.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

---

**MR. CROLL**

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No. 136

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to incorporate The Jack Miner Migratory Bird Foundation.

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MR. WIGLE

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to incorporate The Jack Miner Migratory Bird Foundation.

### Preamble.

**W**HEREAS a petition has been presented praying that the persons hereinafter named may be constituted a corporation without share capital for the purpose of creating, maintaining and safeguarding an endowment fund to perpetuate the life work of John Thomas Miner, popularly known as "Jack Miner," and of receiving contributions to such fund and applying such contributions in such manner as their respective donors may declare, and of carrying on the undertaking begun by the said John Thomas Miner, and of exercising all necessary and incidental powers as hereinafter set forth and such powers as may be necessarily ancillary thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Jack Miner Migratory Bird Foundation Act, 1936*.

### Incorporation of Foundation.

**2.** Laona Miner, wife of John Thomas Miner, John Thomas Miner, naturalist, popularly known as Jack Miner, and Manly Forest Miner, brick manufacturer and eldest son of the said John Thomas Miner, all of the township of South Gosfield in the county of Essex, together with their successors as members of the corporation hereby constituted, are hereby incorporated under the name of "The Jack Miner Migratory Bird Foundation", hereinafter called "the Foundation."

### Directors and term of office.

**3.** Laona Miner, John Thomas Miner and Manly Forest Miner are constituted the board of directors of the Foundation and shall occupy the positions of vice-president, president and treasurer, respectively. The term of office of the three directors and officers thus named shall be for their respective lives. Upon the death of John Thomas Miner, his eldest son, Manly Forest Miner, shall become president and shall also thereafter act as treasurer of the Foundation as long as he

#### EXPLANATORY NOTES

General. The purpose of this Bill is to create a permanent Foundation to carry on the work established by Jack Miner at his bird sanctuary in Essex County, and to develop such work throughout Ontario and to co-ordinate the work of the Foundation with that of any similar Foundation established in the United States.

The Bill sets forth the objects of the Foundation and the method of future government by a board of directors who are given ample powers to carry out the objects of the Foundation.

shall be living and competent to act, and some director satisfactory to the said Manly Forest Miner shall from time to time be selected by him to act as secretary of the Foundation. Otherwise the executive officers of the Foundation shall be elected or appointed by the board of directors, hereinafter called the board, such election or appointment being for such term of years as may be determined by the said directors. Other administrative officers may be elected or appointed who may or may not be members of the board.

Appoint-  
ments of  
succeeding  
directors.

4. Upon the creation of any vacancy in the board of directors because of death, resignation, incapacity to act or otherwise, the two remaining directors shall, within sixty days thereafter, fill such vacancy; and if the two remaining directors are within the said period unable to agree upon the appointment of a person to fill such vacancy, the Lieutenant-Governor in Council shall, upon notice of such vacancy from either of the said two remaining directors or from the trust corporation nominated by the board of directors as hereinafter provided, appoint some person to fill the said vacancy; and if at any time or times more than one vacancy in the board of directors exists, the Lieutenant-Governor in Council shall, upon notice of such vacancies from the remaining director or from the said trust corporation, appoint some persons to fill the said vacancies. Any director so appointed shall thereby become a member of the Foundation.

Directors  
to be sole  
members  
of the  
Foundation.

5. The directors shall be the sole members of the Foundation; the interest of a member in the Foundation shall not be transferable, and shall lapse and cease to exist upon the death, resignation or incapacity of such member; filling of vacancies, removal, appointment, and creation of vacancies in the membership of the Foundation shall be considered coincidental to, and shall be dealt with in like manner as, respective incidents in connection with the board.

Head office.

6. The head office of the Foundation shall be located in the township of Gosfield South in the county of Essex and Province of Ontario. The board may, from time to time, establish and thereafter maintain such other offices or branch offices as in their judgment may seem wise, at any of which offices the undertaking of the Foundation may be transacted.

Purposes  
and objects  
of the  
Foundation.

7. The purposes and objects of the Foundation shall be as follows: to create, establish and maintain an endowment fund, by the acceptance of gifts, grants, donations, bequests and, otherwise, in the form of moneys, values, stocks, bonds and any other property, real, personal and mixed, all of which moneys, values, securities and property shall be accepted and thereafter be held in its corporate name; provided, however,





that all of the principal or corpus of the fund shall immediately, upon the receipt thereof, unless otherwise provided by the express terms of the respective gift, grant, donation or bequest creating or enlarging such gift, grant, donation or bequest, be deposited with and forever thereafter be held, handled, safeguarded, invested and reinvested by some trust corporation in good standing, or its successor, to be nominated by the board, in accordance with terms and conditions of such written trust agreement or trust agreements as may hereafter be made and executed by and between the Foundation and such trust corporation; and provided that all of such gifts, grants, donations and bequests shall thereafter be accepted, held, handled, safeguarded, invested and reinvested by the said trust corporation strictly in accordance with the terms thereof, and with all the terms and conditions of the particular gifts, grants, donations or bequests creating or enlarging same, and only the annual net income derived therefrom shall thereafter be used for any or all of the purposes mentioned in the following clauses (a) to (h):

Maintaining  
the Jack  
Miner Bird  
Sanctuary.

- (a) To feed, shelter, protect and defend all such wild Canada geese, wild swans, wild ducks and other migratory wild water fowl and all such migratory insectivorous and song birds, as shall, from time to time, during the period of their semi-annual flights, visit and use the Jack Miner Migratory Bird Sanctuary, located in the said township of Gosfield South, as a resting and feeding place and to maintain the said sanctuary;

Acquisition  
of the  
Sanctuary.

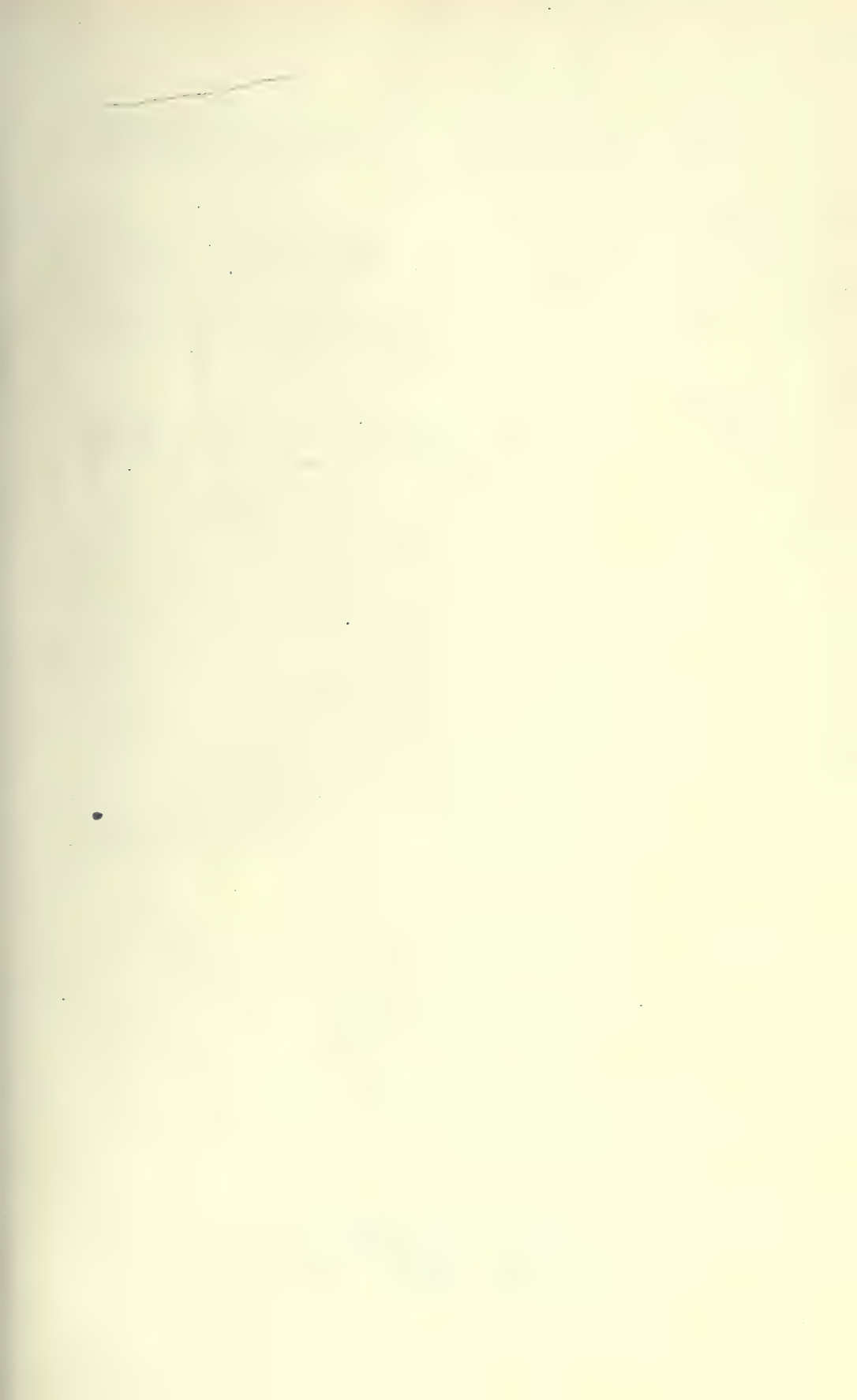
- (b) To purchase or otherwise acquire, and thereafter hold, in its corporate name, and maintain the above described Jack Miner Migratory Bird Sanctuary and/or all such other and additional lands located immediately adjoining the said Jack Miner Migratory Bird Sanctuary, as may from time to time by the board be deemed useful and necessary in extending and enlarging the said sanctuary;

Feeding  
grounds.

- (c) To hold in its corporate name, by purchasing or otherwise acquiring all such other and additional lands wherever situate as may from time to time by the board be deemed practical and necessary in the course of establishing and maintaining other suitable resting and feeding places in the form of protected bird sanctuaries;

Educational  
work.

- (d) To conduct suitable educational campaigns in schools and otherwise for the purpose of establishing a proper understanding of, interest in, and desire for



the propagation, care, protection and defence of all kinds of migratory wild water fowl and wild insectivorous and song birds;

Training  
of persons.

- (e) To employ and train persons in the propagation, feeding, care and protection of migratory wild birds, and to consult with and give advice to all such persons and concerns as may be interested in the propagation, care, feeding, protection and defense of birds, migratory and otherwise;

Acquisition  
of lands  
and use  
thereof.

- (f) To purchase, lease or otherwise acquire, to use, develop and operate any and all such tracts of lands and bodies of water or such portions thereof or interest therein as it may acquire, by gift, grant, donation, lease, purchase or otherwise, for the protection, propagation, feeding, handling and caring for migratory birds and to operate, as agricultural or farm lands, any adjoining portions or tracts of land which shall have been acquired for the purposes of its work and which may be especially suited for agricultural purposes, so as to raise wheat, corn and other grains and clover and grass, as food for the birds nesting upon or living on such property, throughout the year or any portion thereof, and especially as food for such migratory birds as shall use its property as a stopping place during the course of their semi-annual flights, and to take all such steps as may fully comply with the game laws of any Province, State or Country, in which said properties may be located;

Observance  
of bird  
treaties.

- (g) To shelter, feed, care for, protect and defend all migratory wild water fowl and all migratory insectivorous and song birds and their rights at all times, in accordance with all such treaties as may be at any time in force and effect between the United States of America and the Dominion of Canada, and in accordance with the laws of the Dominion of Canada and of each and every of its respective Provinces and of the United States of America and of each and every of its respective States; and,

Payment  
of expenses,  
etc.

- (h) To pay all salaries, wages, expenses and all other expenditures of or incurred by the Foundation and the board in carrying out the objects and purposes set forth in this Act.



Authority  
to accept  
gifts, etc.

**8.—(1)** The Foundation shall have authority to and may receive, hold, safeguard, invest and reinvest, manage, use and handle the principal or corpus of all such gifts, grants, donations and bequests, in the form of moneys, values, securities and properties, as may be expressly given, donated or bequeathed for any one or more of the above purposes or for any other purpose similar to such purposes, provided that such funds shall always be received, used, handled and expended strictly in accordance with the terms and conditions of such gifts, grants, donations and bequests for any such use or uses, as may be provided for in the last will and testament of any deceased person.

Ancillary  
powers.

**(2)** The Foundation shall also have authority to do and perform any and all such other things as shall be incidental to or necessarily connected with the proper handling of its undertaking.

Policies to  
accord with  
objects.

**9.** The affairs of the Foundation shall be dealt with and its policies carried out in accordance with the purposes and objects set out in section 7. The powers of the board shall extend only to such powers as are naturally ancillary and incidental to such purposes and objects.

Management  
and by-laws.

**10.** By-laws and regulations for the control and management of the affairs of the Foundation shall be made and established, subject to amendment or repeal as therein or hereafter by by-law or regulation provided, at a general meeting of the members of the Foundation to be held not later than six months next following the adoption of such by-laws or regulations by the board, such meeting to be held at such time and place as the board may determine.

Identifica-  
tion with  
U.S.A.  
Foundation  
and its  
policies.

**11.** The policies of the Foundation are in general to be identified with those of The Jack Miner Migratory Bird Foundation, Incorporated, and the Foundation is accordingly empowered to enter into any contracts with the said The Jack Miner Migratory Bird Foundation, Incorporated, and to assume the benefits and/or liabilities of any contracts, liabilities or undertakings of the latter corporation, and also to agree with the latter corporation for the purchase or sale of any of the assets of either corporation by or to the other corporation.

Discretion  
of board.

**12.** Irrespective of any provision of section 11, the board may exercise its absolute discretion in any matter concerning the management or operation of the affairs of the Foundation.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.





# BILL

An Act to incorporate The Jack Miner  
Migratory Bird Foundation.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

---

MR. WIGLE

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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## BILL

An Act to incorporate The Jack Miner Migratory Bird Foundation.

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MR. WIGLE

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# BILL

## An Act to incorporate The Jack Miner Migratory Bird Foundation.

### Preamble.

**W**HEREAS a petition has been presented praying that the persons hereinafter named may be constituted a corporation without share capital for the purpose of creating, maintaining and safeguarding an endowment fund to perpetuate the life work of John Thomas Miner, popularly known as "Jack Miner," and of receiving contributions to such fund and applying such contributions in such manner as their respective donors may declare, and of carrying on the undertaking begun by the said John Thomas Miner, and of exercising all necessary and incidental powers as hereinafter set forth and such powers as may be necessarily ancillary thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Jack Miner Migratory Bird Foundation Act, 1936*.

### Incorporation of Foundation.

**2.** Laona Miner, wife of John Thomas Miner, John Thomas Miner, naturalist, popularly known as Jack Miner, and Manly Forest Miner, brick manufacturer and eldest son of the said John Thomas Miner, all of the township of South Gosfield in the county of Essex, together with their successors as members of the corporation hereby constituted, are hereby incorporated under the name of "The Jack Miner Migratory Bird Foundation", hereinafter called "the Foundation."

### Directors and term of office.

**3.** Laona Miner, John Thomas Miner and Manly Forest Miner are constituted the board of directors of the Foundation and shall occupy the positions of vice-president, president and treasurer, respectively. The term of office of the three directors and officers thus named shall be for their respective lives. Upon the death of John Thomas Miner, his eldest son, Manly Forest Miner, shall become president and shall also thereafter act as treasurer of the Foundation as long as he

shall be living and competent to act, and some director satisfactory to the said Manly Forest Miner shall from time to time be selected by him to act as secretary of the Foundation. Otherwise the executive officers of the Foundation shall be elected or appointed by the board of directors, hereinafter called the board, such election or appointment being for such term of years as may be determined by the said directors. Other administrative officers may be elected or appointed who may or may not be members of the board.

4. Upon the creation of any vacancy in the board of directors because of death, resignation, incapacity to act or otherwise, the two remaining directors shall, within sixty days thereafter, fill such vacancy; and if the two remaining directors are within the said period unable to agree upon the appointment of a person to fill such vacancy, the Lieutenant-Governor in Council shall, upon notice of such vacancy from either of the said two remaining directors or from the trust corporation nominated by the board of directors as hereinafter provided, appoint some person to fill the said vacancy; and if at any time or times more than one vacancy in the board of directors exists, the Lieutenant-Governor in Council shall, upon notice of such vacancies from the remaining director or from the said trust corporation, appoint some persons to fill the said vacancies. Any director so appointed shall thereby become a member of the Foundation.

Appoint-  
ments of  
succeeding  
directors.

5. The directors shall be the sole members of the Foundation; the interest of a member in the Foundation shall not be transferable, and shall lapse and cease to exist upon the death, resignation or incapacity of such member; filling of vacancies, removal, appointment, and creation of vacancies in the membership of the Foundation shall be considered coincidental to, and shall be dealt with in like manner as, respective incidents in connection with the board.

Directors  
to be sole  
members  
of the  
Foundation.

6. The head office of the Foundation shall be located in the township of Gosfield South in the county of Essex and Province of Ontario. The board may, from time to time, establish and thereafter maintain such other offices or branch offices as in their judgment may seem wise, at any of which offices the undertaking of the Foundation may be transacted.

Head office.

7. The purposes and objects of the Foundation shall be as follows: to create, establish and maintain an endowment fund, by the acceptance of gifts, grants, donations, bequests and, otherwise, in the form of moneys, values, stocks, bonds and any other property, real, personal and mixed, all of which moneys, values, securities and property shall be accepted and thereafter be held in its corporate name; provided, however,

Purposes  
and objects  
of the  
Foundation.



that all of the principal or corpus of the fund shall immediately, upon the receipt thereof, unless otherwise provided by the express terms of the respective gift, grant, donation or bequest creating or enlarging such gift, grant, donation or bequest, be deposited with and forever thereafter be held, handled, safeguarded, invested and reinvested by some trust corporation in good standing, or its successor, to be nominated by the board, in accordance with terms and conditions of such written trust agreement or trust agreements as may hereafter be made and executed by and between the Foundation and such trust corporation; and provided that all of such gifts, grants, donations and bequests shall thereafter be accepted, held, handled, safeguarded, invested and reinvested by the said trust corporation strictly in accordance with the terms thereof, and with all the terms and conditions of the particular gifts, grants, donations or bequests creating or enlarging same, and only the annual net income derived therefrom shall thereafter be used for any or all of the purposes mentioned in the following clauses (a) to (h):

Maintaining  
the Jack  
Miner Bird  
Sanctuary.

- (a) To feed, shelter, protect and defend all such wild Canada geese, wild swans, wild ducks and other migratory wild water fowl and all such migratory insectivorous and song birds, as shall, from time to time, during the period of their semi-annual flights, visit and use the Jack Miner Migratory Bird Sanctuary, located in the said township of Gosfield South, as a resting and feeding place and to maintain the said sanctuary;

Acquisition  
of the  
Sanctuary.

- (b) To purchase or otherwise acquire, and thereafter hold, in its corporate name, and maintain the above described Jack Miner Migratory Bird Sanctuary and/or all such other and additional lands located immediately adjoining the said Jack Miner Migratory Bird Sanctuary, as may from time to time by the board be deemed useful and necessary in extending and enlarging the said sanctuary;

Feeding  
grounds.

- (c) To hold in its corporate name, by purchasing or otherwise acquiring all such other and additional lands wherever situate as may from time to time by the board be deemed practical and necessary in the course of establishing and maintaining other suitable resting and feeding places in the form of protected bird sanctuaries;

Educational  
work.

- (d) To conduct suitable educational campaigns in schools and otherwise for the purpose of establishing a proper understanding of, interest in, and desire for

the propagation, care, protection and defence of all kinds of migratory wild water fowl and wild insectivorous and song birds;

- (e) To employ and train persons in the propagation, feeding, care and protection of migratory wild birds, and to consult with and give advice to all such persons and concerns as may be interested in the propagation, care, feeding, protection and defense of birds, migratory and otherwise; Training of persons.
- (f) To purchase, lease or otherwise acquire, to use, develop and operate any and all such tracts of lands and bodies of water or such portions thereof or interest therein as it may acquire, by gift, grant, donation, lease, purchase or otherwise, for the protection, propagation, feeding, handling and caring for migratory birds and to operate, as agricultural or farm lands, any adjoining portions or tracts of land which shall have been acquired for the purposes of its work and which may be especially suited for agricultural purposes, so as to raise wheat, corn and other grains and clover and grass, as food for the birds nesting upon or living on such property, throughout the year or any portion thereof, and especially as food for such migratory birds as shall use its property as a stopping place during the course of their semi-annual flights, and to take all such steps as may fully comply with the game laws of any Province, State or Country, in which said properties may be located; Acquisition of lands and use thereof.
- (g) To shelter, feed, care for, protect and defend all migratory wild water fowl and all migratory insectivorous and song birds and their rights at all times, in accordance with all such treaties as may be at any time in force and effect between the United States of America and the Dominion of Canada, and in accordance with the laws of the Dominion of Canada and of each and every of its respective Provinces and of the United States of America and of each and every of its respective States; and, Observance of bird treaties.
- (h) To pay all salaries, wages, expenses and all other expenditures of or incurred by the Foundation and the board in carrying out the objects and purposes set forth in this Act. Payment of expenses, etc.



Authority  
to accept  
gifts, etc.

**8.—(1)** The Foundation shall have authority to and may receive, hold, safeguard, invest and reinvest, manage, use and handle the principal or corpus of all such gifts, grants, donations and bequests, in the form of moneys, values, securities and properties, as may be expressly given, donated or bequeathed for any one or more of the above purposes or for any other purpose similar to such purposes, provided that such funds shall always be received, used, handled and expended strictly in accordance with the terms and conditions of such gifts, grants, donations and bequests for any such use or uses, as may be provided for in the last will and testament of any deceased person.

Ancillary  
powers.

**(2)** The Foundation shall also have authority to do and perform any and all such other things as shall be incidental to or necessarily connected with the proper handling of its undertaking.

Policies to  
accord with  
objects.

**9.** The affairs of the Foundation shall be dealt with and its policies carried out in accordance with the purposes and objects set out in section 7. The powers of the board shall extend only to such powers as are naturally ancillary and incidental to such purposes and objects.

Management  
and by-laws.

**10.** By-laws and regulations for the control and management of the affairs of the Foundation shall be made and established, subject to amendment or repeal as therein or hereafter by by-law or regulation provided, at a general meeting of the members of the Foundation to be held not later than six months next following the adoption of such by-laws or regulations by the board, such meeting to be held at such time and place as the board may determine.

Identifica-  
tion with  
U.S.A.  
Foundation  
and its  
policies.

**11.** The policies of the Foundation are in general to be identified with those of The Jack Miner Migratory Bird Foundation, Incorporated, and the Foundation is accordingly empowered to enter into any contracts with the said The Jack Miner Migratory Bird Foundation, Incorporated, and to assume the benefits and/or liabilities of any contracts, liabilities or undertakings of the latter corporation, and also to agree with the latter corporation for the purchase or sale of any of the assets of either corporation by or to the other corporation.

Discretion  
of board.

**12.** Irrespective of any provision of section 11, the board may exercise its absolute discretion in any matter concerning the management or operation of the affairs of the Foundation.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to incorporate The Jack Miner  
Migratory Bird Foundation.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

April 6th, 1936

*3rd Reading*

April 9th, 1936

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MR. WIGLE

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No. 137

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# **BILL**

**An Act to amend The Game and Fisheries Act.**

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MR. NIXON (Brant)

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# BILL

## An Act to amend The Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1936*.

Rev. Stat.,  
c. 318,  
s. 7, cl. b  
(1935,  
c. 23, s. 3,  
subs. 1),  
re-enacted.      **2.—(1)** Clause *b* of section 7 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 3 of *The Game and Fisheries Amendment Act, 1935*, is repealed and the following substituted therefor:

Open  
season.—  
deer and  
moose.

- (b) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennie and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of Comox Township; thence northerly along the westerly boundaries of the Townships of Comox, Fulton and Iris to the northwest angle of Iris Township; thence westerly along the southerly boundaries of 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14 to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November.

#### EXPLANATORY NOTES

Section 2.—(1), (2). The province is now divided into four defined zones for the purpose of hunting deer and moose.



Rev. Stat.,  
c. 318, s. 7,  
amended.

(2) The said section 7 is further amended by re-lettering the present clause *c*, enacted by section 4 of *The Game and Fisheries Act, 1930*, and amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1934*, and subsection 2 of section 3 of *The Game and Fisheries Amendment Act, 1935*, to read "*cc*," and by adding the following clause:

Open  
season,—  
deer and  
moose.

- (*c*) any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b* of this section, and north of the French River, except from the 1st day of November to the 25th day of November; provided, however, that on St. Joseph's Island in the District of Algoma and on Manitoulin Island in the District of Manitoulin, the open season shall be from the 10th day of November to the 25th day of November.

Rev. Stat.,  
c. 318, s. 7,  
cl. *ff*  
(1935,  
c. 23, s. 3,  
subs. 1),  
amended.

(3) Clause *ff* of the said section 7 as re-enacted by subsection 1 of section 3 of *The Game and Fisheries Amendment Act, 1935*, is amended by adding at the end thereof the words "provided however that in the Counties of Essex, Kent, Elgin, Norfolk, Haldimand, Welland, Lincoln and Wentworth the open season shall be from the 1st day of October to the 15th day of December, and that on the St. Lawrence River and on Lake St. Francis fronting on the County of Glengarry, the open season shall be from the 1st day of September to the 15th day of September and from the 1st day of October to the 30th day of November," so that the said clause shall now read as follows:

Goose  
duck,  
eider duck.

- (*ff*) any wild goose or wild duck in that part of Ontario lying south of the French and Mattawa Rivers, except from the 1st day of October to the 30th day of November in any one year, both days inclusive, other than wood and eider duck which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council; provided however that in the Counties of Essex, Kent, Elgin, Norfolk, Haldimand, Welland, Lincoln and Wentworth the open season shall be from the 1st day of October to the 15th day of December, and that on the St. Lawrence River and on Lake St. Francis fronting on the County of Glengarry, the open season shall be from the 1st day of September to the 15th day of September and from the 1st day of October to the 30th day of November.

(3) Eight southern counties are excepted from the general rule and have an open season for goose and wild duck from October 15th to December 15th, and a further exception is made of the St. Lawrence River area.

Rev. Stat.,  
c. 318, s. 8,  
subs. 1,  
amended.

3. Subsection 1 of section 8 of *The Game and Fisheries Act* as amended by section 4 of *The Game and Fisheries Act, 1932*, and section 4 of *The Game and Fisheries Act, 1933*, is further amended by inserting after the word "hawks" inserted therein by the amendment of 1932, the words "which word shall not be interpreted to include ospreys and eagles," so that the said subsection shall now read as follows:

Wild  
native  
birds.

- (1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act and the regulations during an unlawful period, and any other wild native bird at any time, other than hawks (which word shall not be interpreted to include ospreys and eagles), owls, crows, cowbirds, blackbirds (grackles), starlings and house sparrows.

Rev. Stat.,  
c. 318, s. 9,  
subs. 2  
(1934,  
c. 19, s. 3),  
re-enacted.

4. Subsection 2 of section 9 of *The Game and Fisheries Act*, as re-enacted by section 3 of *The Game and Fisheries Act, 1934*, is repealed and the following substituted therefor:

Muskrat,—  
open  
season.

- (2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat,—

- (a) in that part of the Province lying north of the French and Mattawa Rivers, except from the 1st day of April to the 21st day of May;

- (b) in the Counties of Brant, Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Norfolk, Oxford, Welland and Wentworth, except from the 20th day of March to the 10th day of April;

- (c) in the Counties of Addington, Bruce, Carleton, Dufferin, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Huron, Lanark, Leeds, Lennox, Northumberland, Ontario, Peel, Perth, Peterborough, Prescott, Prince Edward, Russell, Simcoe, Stormont, Victoria, Waterloo, Wellington and York, except from the 25th day of March to the 15th day of April and,

- (d) in the Districts of Haliburton, Muskoka, Nipissing (south of the Mattawa River), Parry Sound and the County of Renfrew, except from the 1st day of April to the 21st day of April:

Section 3. Ospreys and eagles are given the protection of the Act and the regulations.

Section 4. The province is now divided into four defined zones each having a definite open season for muskrat. Heretofore there were two zones only and the season for the southern zone was prescribed by Order in Council.

Rev. Stat.,  
c. 318, s. 10,  
subs. 3  
(1933,  
c. 19, s. 5,  
subs. 2),  
amended.

5. Subsection 3 of section 10 of *The Game and Fisheries Act* as re-enacted by subsection 2 of section 5 of *The Game and Fisheries Act, 1933*, is amended by adding at the end thereof the words "provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a 'twenty-two calibre low-powered rifle' during the open season for deer or moose in areas which such animals inhabit or in which they are usually found," so that the said subsection shall now read as follows:

Use of  
fire-arms  
without  
license  
prohibited.

- (3) Notwithstanding the provisions of subsection 2 every resident who uses any fire-arm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own lands, and in all actions and prosecutions under this subsection, possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals; provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

Proviso.

Rev. Stat.,  
c. 318,  
amended.

6. *The Game and Fisheries Act* is amended by adding thereto the following section:

Tourist  
outfitters'  
camps.

- 15.—(1) It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitters' camp in that part of Ontario lying north of the Canadian National Railway line from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.

"Tourist  
out-  
fitter",—  
meaning of

- (2) For the purpose of this section "tourist out-fitter" shall mean any person catering to the tourist trade and operating a camp which supplies canoes, tents, sleeping bags, blankets, utensils or any other camping equipment and employing licensed guides.

Rev. Stat.,  
c. 318,  
amended.

7. *The Game and Fisheries Act* is amended by adding thereto the following section:

Out-fitters'  
licenses.

24. A license may be issued to any person owning or operating a tourist outfitters' camp and the fee for such license shall be \$10 in the case of residents, and \$25 in the case of non-residents.



Section 5. Persons are prohibited from carrying high-powered rifles during the open season in areas frequented or inhabited by deer or moose unless they possess a deer license.

Section 6. This new section provides that tourist out-fitters' camps in the northern part of the province shall not be operated without a license.

Section 7. This new section authorizes the issuance and fixes the fees payable for licenses for tourist outfitters' camps.



Rev. Stat.,  
c. 318, s. 31,  
subs. 2  
(1935,  
c. 23, s. 11),  
re-enacted.

8. Subsection 2 of section 31 of *The Game and Fisheries Act* as re-enacted by section 11 of *The Game and Fisheries Amendment Act, 1935*, is repealed and the following substituted therefor:

Dogs,—  
use of

(2) It shall be unlawful while hunting deer, moose or caribou,—

(a) for one person to use or be accompanied by a dog;

(b) for a party of two or three persons to use or to be accompanied by more than one dog;

(c) for a party of four or five persons to use or be accompanied by more than two dogs;

(d) for a party of six or seven persons to use or be accompanied by more than three dogs;

(e) for a party of eight or more persons to use or be accompanied by more than four dogs.

Rev. Stat.,  
c. 318, s. 36,  
amended.

9. Section 36 of *The Game and Fisheries Act* as amended by sections 11 and 12 of *The Game and Fisheries Act, 1932*, is further amended by adding thereto the following subsection:

Snares.

(2a) It shall be unlawful for any person to use snares for any purpose in any part of Ontario during the open season for deer and moose in such part.

Rev. Stat.,  
c. 318, s. 42,  
subs. 2,  
re-enacted.

10. Subsection 2 of section 42 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Special  
permit.

(2) During the open season for deer and moose a license to hunt deer or moose shall be deemed to be a special permit within the meaning of this section.

Commence-  
ment of Act.

11. This Act shall come into force on the 1st day of June, 1936.

Section 8. The number of dogs which may be used in hunting deer, moose or caribou is increased.

Section 9. This new section prohibits the use of snares for any purpose during the open season for deer and moose.

Section 10. During the open season a license to hunt deer or moose is deemed to be a special license under subsection 1.

Section 11. The amendments come into force on June 1st, 1936.

BILL

An Act to amend The Game and Fisheries  
Act.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

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MR. NIXON (Brant)

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# **BILL**

**An Act to amend The Game and Fisheries Act.**

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MR. NIXON (Brant)

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# BILL

## An Act to amend The Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1936*.

Rev. Stat.,  
c. 318,  
s. 7, cl. b  
(1935,  
c. 23, s. 3,  
subs. 1),  
re-enacted.     **2.**—(1) Clause *b* of section 7 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 3 of *The Game and Fisheries Amendment Act, 1935*, is repealed and the following substituted therefor:

Open  
season,—  
deer and  
moose.

- (b) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennie and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of Comox Township; thence northerly along the westerly boundaries of the Townships of Comox, Fulton and Iris to the northwest angle of Iris Township; thence westerly along the southerly boundaries of 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14 to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November.



(2) The said section 7 is further amended by re-lettering the present clause *c*, enacted by section 4 of *The Game and Fisheries Act, 1930*, and amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1934*, and subsection 2 of section 3 of *The Game and Fisheries Amendment Act, 1935*, to read "*cc*," and by adding the following clause:

Rev. Stat.,  
c. 318, s. 7,  
amended.

- (c) any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b* of this section, and north of the French River, except from the 1st day of November to the 25th day of November; provided, however, that on St. Joseph's Island in the District of Algoma and on Manitoulin Island in the District of Manitoulin, the open season shall be from the 10th day of November to the 25th day of November.

Open  
season,—  
deer and  
moose.

(3) Clause *ff* of the said section 7 as re-enacted by subsection 1 of section 3 of *The Game and Fisheries Amendment Act, 1935*, is amended by adding at the end thereof the words "provided however that in the Counties of Essex, Kent, Elgin, Norfolk, Haldimand, Welland, Lincoln and Wentworth the open season shall be from the 1st day of October to the 15th day of December, and that on the St. Lawrence River and on Lake St. Francis fronting on the County of Glengarry, the open season shall be from the 1st day of September to the 15th day of September and from the 1st day of October to the 30th day of November," so that the said clause shall now read as follows:

Rev. Stat.,  
c. 318, s. 7,  
cl. *f*  
(1935,  
c. 23, s. 3,  
subs. 1),  
amended.

- (ff) any wild goose or wild duck in that part of Ontario lying south of the French and Mattawa Rivers, except from the 1st day of October to the 30th day of November in any one year, both days inclusive, other than wood and eider duck which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council; provided however that in the Counties of Essex, Kent, Elgin, Norfolk, Haldimand, Welland, Lincoln and Wentworth the open season shall be from the 1st day of October to the 15th day of December, and that on the St. Lawrence River and on Lake St. Francis fronting on the County of Glengarry, the open season shall be from the 1st day of September to the 15th day of September and from the 1st day of October to the 30th day of November.

Goose  
duck,  
eider duck.



Rev. Stat.,  
c. 318, s. 8,  
subs. 1,  
amended.

3. Subsection 1 of section 8 of *The Game and Fisheries Act* as amended by section 4 of *The Game and Fisheries Act, 1932*, and section 4 of *The Game and Fisheries Act, 1933*, is further amended by inserting after the word "hawks" inserted therein by the amendment of 1932, the words "(which word shall not be interpreted to include ospreys and eagles)" so that the said subsection shall now read as follows:

Wild  
native  
birds.

- (1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act and the regulations during an unlawful period, and any other wild native bird at any time, other than hawks (which word shall not be interpreted to include ospreys and eagles), owls, crows, cowbirds, blackbirds (grackles), starlings and house sparrows.

Rev. Stat.,  
c. 318, s. 9,  
subs. 2  
(1934,  
c. 19, s. 3),  
re-enacted.

4. Subsection 2 of section 9 of *The Game and Fisheries Act*, as re-enacted by section 3 of *The Game and Fisheries Act, 1934*, is repealed and the following substituted therefor:

Muskrat,—  
open  
season.

- (2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat,—
  - (a) in that part of the Province lying north of the French and Mattawa Rivers, except from the 1st day of April to the 21st day of May;
  - (b) in the Counties of Brant, Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Norfolk, Oxford, Welland and Wentworth, except from the 20th day of March to the 10th day of April;
  - (c) in the Counties of Addington, Bruce, Carleton, Dufferin, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Huron, Lanark, Leeds, Lennox, Northumberland, Ontario, Peel, Perth, Peterborough, Prescott, Prince Edward, Russell, Simcoe, Stormont, Victoria, Waterloo, Wellington and York, except from the 25th day of March to the 15th day of April; and,
  - (d) in the Districts of Haliburton, Muskoka, Nipissing (south of the Mattawa River), Parry Sound and the County of Renfrew, except from the 1st day of April to the 21st day of April.

5. Subsection 3 of section 10 of *The Game and Fisheries Act* as re-enacted by subsection 2 of section 5 of *The Game and Fisheries Act, 1933*, is amended by adding at the end thereof the words "provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a 'twenty-two calibre low-powered rifle' during the open season for deer or moose in areas which such animals inhabit or in which they are usually found," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 318, s. 10,  
subs. 3  
(1933,  
c. 19, s. 5,  
subs. 2),  
amended.

- (3) Notwithstanding the provisions of subsection 2 every resident who uses any fire-arm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own lands, and in all actions and prosecutions under this subsection, possession of any fire-arm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals; provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

Use of  
fire-arms  
without  
license  
prohibited.

Proviso.

6. *The Game and Fisheries Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 318,  
amended.

- 15.—(1) It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitters' camp in that part of Ontario lying north of the Canadian National Railway line from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.
- (2) For the purpose of this section "tourist out-fitter" shall mean any person catering to the tourist trade and operating a camp which supplies canoes, tents, sleeping bags, blankets, utensils or any other camping equipment and employing licensed guides.

Tourist  
outfitters'  
camps.

"Tourist  
out-  
fitter",—  
meaning of

7. *The Game and Fisheries Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 318,  
amended.

24. A license may be issued to any person owning or operating a tourist outfitters' camp and the fee for such license shall be \$10 in the case of residents, and \$25 in the case of non-residents.

Out-fitters'  
licenses.

Rev. Stat.,  
c. 318, s. 31,  
subs. 2  
(1935,  
c. 23, s. 11),  
re-enacted.

**8.** Subsection 2 of section 31 of *The Game and Fisheries Act* as re-enacted by section 11 of *The Game and Fisheries Amendment Act, 1935*, is repealed and the following substituted therefor:

Dogs,—  
use of

(2) It shall be unlawful while hunting deer, moose or caribou,—

- (a) for one person to use or be accompanied by a dog;
- (b) for a party of two or three persons to use or to be accompanied by more than one dog;
- (c) for a party of four or five persons to use or be accompanied by more than two dogs;
- (d) for a party of six or seven persons to use or be accompanied by more than three dogs;
- (e) for a party of eight or more persons to use or be accompanied by more than four dogs.

Rev. Stat.,  
c. 318, s. 36,  
amended.

**9.** Section 36 of *The Game and Fisheries Act* as amended by sections 11 and 12 of *The Game and Fisheries Act, 1932*, is further amended by adding thereto the following subsection:

Snares.

(2a) It shall be unlawful for any person to use snares for any purpose in any part of Ontario during the open season for deer and moose in such part.

Rev. Stat.,  
c. 318, s. 42,  
subs. 2,  
re-enacted.

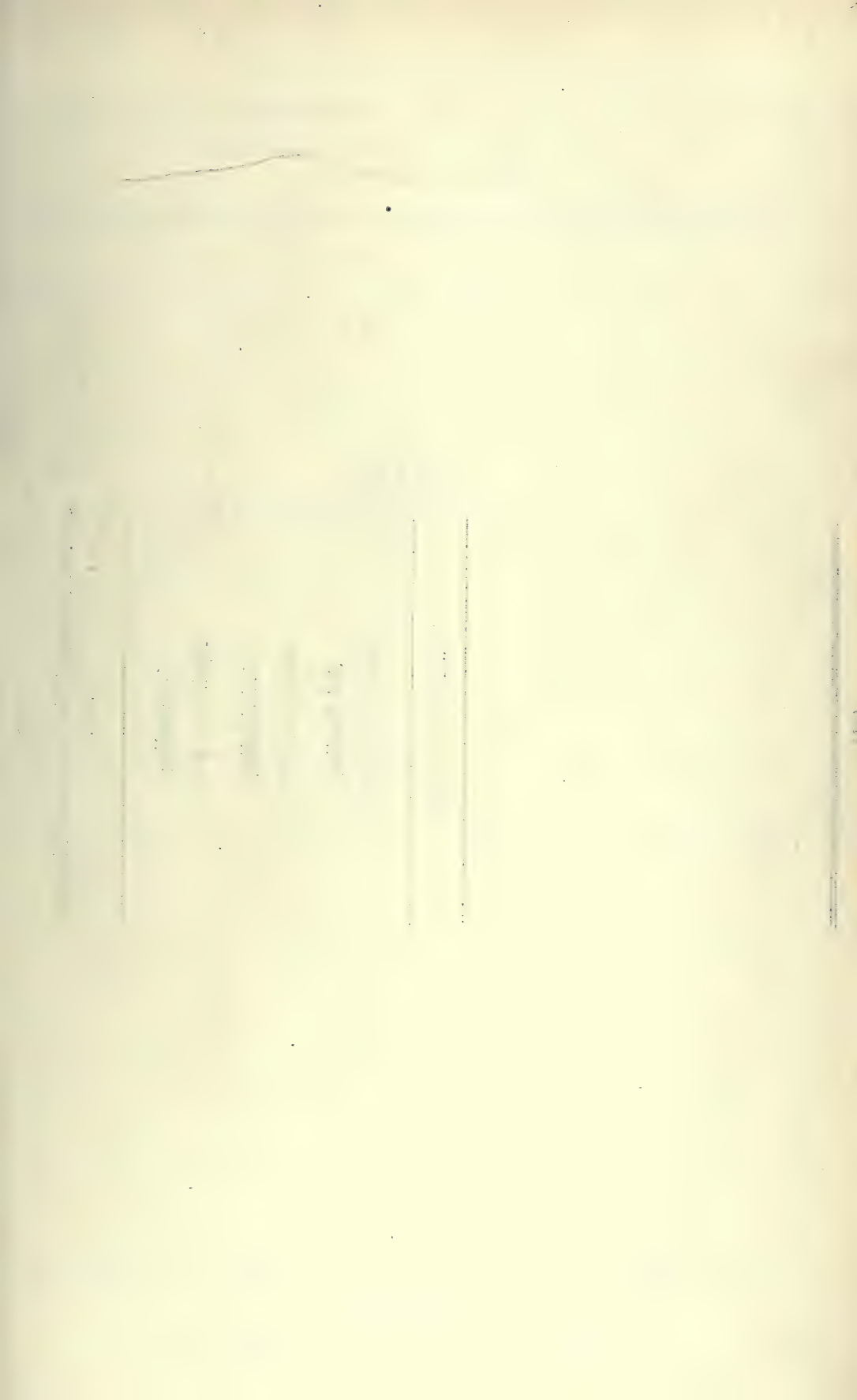
**10.** Subsection 2 of section 42 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Special  
permit.

(2) During the open season for deer and moose a license to hunt deer or moose shall be deemed to be a special permit within the meaning of this section.

Commence-  
ment of Act.

**11.** This Act shall come into force on the 1st day of June, 1936.





BILL

An Act to amend The Game and Fisheries  
Act.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. NIXON (Brant)

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No. 138

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.  
c. 238,  
amended.

**1.** *The Assessment Act* is amended by adding thereto the following sections:

Distribution  
of assess-  
ments of  
corporations  
for public  
and separate  
school  
purposes.

**33a.**—(1) Every corporation, except those to which section 33*b* or subsection 2 of section 33*c* applies, shall require, by notice, Form 13, to the clerk of the municipality in or for which a separate school exists, that the whole or part of the assessments for land, business and income liable to taxation for school purposes in respect to which such corporation is assessed within the municipality or school section in or for which the separate school exists, be entered, assessed and rated for separate school purposes; and the assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of such assessments as designated in the notice, and so much of the said assessments as are so designated shall be assessed accordingly for separate school purposes, and not for public school purposes, but all the remainder of the said assessments of the corporation shall be entered for public school purposes.

Corporations  
with share  
capital.

(2) In the case of such a corporation having share capital, the assessments, which may be required by the said notice to be entered, assessed and rated for separate school purposes, shall bear the same ratio to the whole of the said assessments as the number of the shares of the corporation held by individuals, who are Roman Catholics and separate school supporters and who have filed a notice, Form 14, with the corporation as required by subsection 4 of section 33*d*, bears to the number of all the shares issued by the corporation.

#### EXPLANATORY NOTES

Section 1. This section contains the provisions respecting the distribution of school taxes payable by corporations between public and separate schools and is intended to be in substitution for the present provision in that respect in section 65 of *The Separate Schools Act*, which is to be repealed by a clause in *The School Law Amendment Act*. The sections to be added to *The Assessment Act* are:

- 33a. Under the terms of which corporations, other than those covered by section 33b or section 33c, subsection 2, must give notice to the municipality where a separate school exists of the ratio which shares or memberships held by Roman Catholic separate school supporters bear to the total issued shares or memberships. Shareholders or members who are Roman Catholic separate school supporters and desire distribution of school taxes to be made according to such ratio are to file a notice of their desire with the secretary of the corporation, and these notices form the initial basis upon which the ratio is established. School taxes of such corporations will be divided between public and separate schools according to the above mentioned ratio.

Corporations  
without  
share capital.

- (3) In the case of such a corporation having no share capital, the assessments which may be required by the said notice to be entered, assessed and rated for separate school purposes shall bear the same ratio to the whole of the said assessments as the number of members who are Roman Catholics and separate school supporters and who have filed a notice, Form 14, with the corporation as required by subsection 4 of section 33*d*, bears to the total number of members of the corporation.

Cases where  
corporation  
assessments  
for school  
purposes are  
distributed  
on a different  
basis than  
provided for  
in  
section 33*a*.

- 33*b*.—(1) A corporation having share capital of which more than one-fourth of the shares issued is owned by any other corporation or corporations, the head office of which is not in Ontario, and also a corporation, which, by reason of the large number of its shareholders or members and the wide distribution in point of residence of such shareholders or members, is unable to ascertain which of its shareholders or members are Roman Catholics and separate school supporters or the ratio which the number of the shares or memberships held by Roman Catholics who are separate school supporters bears to all the shares issued by or memberships of the corporation, shall require by notice, Form 15, to the clerk of the municipality in or for which a separate school exists that the assessments for land, business and income liable to taxation for school purposes in respect to which such corporation is assessed within the municipality or school section in or for which the separate school exists, be entered, assessed and rated for school purposes as provided in this section.

Declaration  
verifying  
facts.

- (2) The said notice shall be accompanied by a statutory declaration of the president, vice-president or secretary of the corporation, or other person in charge of its affairs in Ontario having knowledge of the facts, testifying as to the facts mentioned in subsection 1 by virtue of which the corporation is subject to the provisions of this section and not of section 33*a*.

Mode of  
distribution  
of assess-  
ments.

- (3) Section 33*a* shall not apply to a corporation which may file a notice under this section; and the whole of the assessments of a corporation governed by this section, in a municipality or school section in or for which a separate school exists, shall be divided for purposes of taxation between the public schools and separate schools in the same ratio as the total assessments of all the rateable property in such municipality or school section assessed to persons


33b. Corporations which come under this section are of two classes:

- (i) Where because of the large number of shareholders or members and the wide distribution of their residences it is impossible to determine the religious affiliation or to apportion the share or membership holdings as between those who are or are not Roman Catholic separate school supporters; and
- (ii) Where more than one-quarter of the shares are held by corporations which have their head offices out of the Province.

The school taxes of such corporations will be divided between public and separate schools in the same ratio as the total assessments of all individuals who are Roman Catholic separate school supporters bear to the total assessments of all individuals who are public school supporters.



who being individuals are public school supporters bear to the total assessments of all the rateable property in such municipality or school section assessed to persons who being individuals are Roman Catholics and separate school supporters; and taxation for public school purposes and separate school purposes against the said lands, business and income of the corporation shall be imposed and levied accordingly; provided that the rates to be levied in any year upon the assessments of such land, business and income shall in all such cases be the rate for such year imposed and levied for public school purposes.

Cases where all share- holders or members reside in Ontario.

33c.—(1) No corporation in which the whole of the shares or memberships are held by persons who are individuals having their residences or places of business within Ontario may give notice under the provisions of section 33b, and the provisions of section 33a shall apply to such corporation.

Railway and telephone corporations.

(2) Section 33b shall apply to the Canadian Pacific Railway Company and to any subsidiary corporation of the said railway company and to the Bell Telephone Company of Canada and to any subsidiary corporation of the said company, but it shall not be necessary in the case of either of the said companies or the said subsidiary corporations that the notice required by section 33b be given.

Continuing effect of notices.

33d.—(1) A notice given under section 33a or 33b in pursuance of a resolution of the directors of a corporation shall for all purposes be deemed to be sufficient and such notice shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn by a notice subsequently given pursuant to a resolution of the directors of such corporation.

Inspection of notices and duties of assessor.

(2) Every notice so given to the clerk of a municipality shall be kept on file in his office and shall be open to inspection by any person entitled to inspect the assessment roll, and the assessor shall in each year before the return of the assessment roll search for and examine all such notices on file in the office of the clerk, and shall conform thereto and to the provisions of sections 33a, 33b and 33c, as the case may be.

When notices to be given.

(3) A notice to be given by a corporation under section 33a or 33b in any year shall be given not later than

33c. School taxes of the C.P.R. and Bell Telephone Company and their subsidiaries are to be divided in the same manner as are those of corporations covered by section 33b.

33d. Notices given are to have a continuing effect until withdrawn.

Notices are to be open to inspection in the municipal clerk's office.

The time for giving notices, etc., prescribed by this section is such that they will be received in time to conform to the needs of the assessor in respect to the information disclosed by the notices.



the 1st day of March in such year and shall be in relation to the shareholders or members of the corporation of record in its registers as of the 31st day of January in such year, and such notice shall govern in respect to the assessment roll of a municipality made in such year, whether the assessments contained therein be for the purposes of taxation in such year or in the succeeding year.

Notice by  
shareholders  
or members.

- (4) Any shareholder or member of a corporation to which section 33*a* applies and who is a Roman Catholic and a separate school supporter may require by notice, Form 14, to the secretary of the corporation given on or before the 31st day of January in any year that the shares of or membership in the corporation which he may hold on the 31st day of January in such year shall be deemed to be held by a Roman Catholic and separate school supporter for the purposes of the said section, provided it shall not be necessary for such person to renew the said notice annually while he remains a shareholder or member and further that any person who has given such notice may at any time withdraw the same by notice in writing to the secretary of the corporation.

Penalty for  
false  
statements,  
etc.

- 33*e*.—(1) False statements made in any notice given pursuant to section 33*a* and 33*b* shall not relieve a corporation from assessment or taxation, and any corporation failing to give such notice or making any false statement in any notice given pursuant to the said sections and every person giving for such corporation such a notice, and any shareholder or member of a corporation giving a notice pursuant to section 33*d*, fraudulently or wilfully inserting any false statements in any such notice shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$100 and not exceeding \$1,000, recoverable under *The Summary Convictions Act*.

Rev. Stat.  
c. 121.

Appeals  
from assess-  
ments.

- 33*f*. Any person entitled under this Act to appeal in respect to any matter of assessment may appeal from an assessment of a corporation made otherwise than in accordance with the notice given by it under section 33*a* or 33*b* or made contrary to section 33*a*, 33*b* or 33*c* whichever is applicable, on the ground that the assessment is not in accordance with such notice or, notwithstanding such notice, that the assessment is contrary to section 33*a*, 33*b* or 33*c*, whichever may be applicable.

33e. Penalties are imposed for failure to give notices or for false statements.

33f. Provision is made for appeals against assessments which do not accord with the notice as to division of school taxes or which are contrary to the Act.

Corporation  
school taxes  
in 1937.

33g. Notwithstanding the provisions of subsection 3 of section 33*d* in any municipality in which the assessment is made in the year 1936 for the purposes of taxation in the year 1937 the notice to be given by a corporation to the clerk of such municipality under the provisions of section 33*a* or 33*b* shall be given not later than the 1st day of August, 1936, and shall be in relation to the shareholders or members of the corporation of record in its registers as of the 30th day of June, 1936, and the assessment roll of such municipality or of any ward thereof shall not be completed or revised prior to the 1st day of August, 1936, to an extent that will prevent the said notice being given effect to in the assessment roll for the purposes of taxation in 1937 in accordance with such notice, subject to any appeal which may be had therefrom; and in such case the notice which may be given by a shareholder or member of a corporation as provided in subsection 4 of section 33*d* may be given to the secretary of the corporation not later than the 30th day of June, 1936, and for the purposes of this section, Form 14, shall be varied to relate to the 30th day of June, 1936.

**2.** *The Assessment Act* is amended by adding thereto Forms 13, 14 and 15.

33g. Is a temporary provision in respect to school taxation of corporations for the year 1936, necessary because some municipalities take their assessments in 1936 for such taxation.

Section 2. Adds to the Act the forms of notices necessary for sections 33a and 33b.

## FORM 13

## NOTICE FROM CORPORATION

(Section 33a.)

To the Clerk of (*naming the municipality*)

Take notice that (*here insert the name of the corporation giving the notice*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn, varied or cancelled the whole or so much of the assessment for land, business and income of the corporation within the above named municipality or in any school section therein in or for which a separate school exists shall be entered, assessed and rated for separate school purposes to the amount of . . . . . per centum of the said assessments.

And take notice that attached hereto is a certified copy of the said resolution of the directors.

Given on behalf of the said corporation this                      day of                      19 .

Corporate seal

.....  
Secretary

## FORM 14

## NOTICE FROM SHAREHOLDER OR MEMBER OF A CORPORATION

(Section 33d.)

To the Secretary of (*name of corporation*)  
....., Ontario.

I, (*here insert name in full and post office address of shareholder or member*), a shareholder in or member of the above named corporation and being a Roman Catholic and separate school supporter require that all shares of or membership in the corporation which I may hold on the 31st day of January in this and any succeeding years according to the registers of the corporation shall be deemed to be shares of or membership in the corporation held by a Roman Catholic and separate school supporter for the purposes of section 33a of *The Assessment Act*.

Dated this                      day of                      19 .

Witness:

.....  
.....

.....  
(*Signature of shareholder  
or member*).





## FORM 15

## NOTICE FROM CORPORATION

(Section 33b).

To the Clerk of (*naming the municipality*)

1. Take notice that (*here insert the name of the corporation giving the notice*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn, varied or cancelled, the whole or so much of the assessment for land, business and income of the corporation within the above named municipality or in any school section therein in or for which a separate school exists shall be entered, assessed and rated for public and separate schools purposes and taxation for schools purposes imposed and levied thereon in accordance with the provisions of section 33b of *The Assessment Act*.

2. And take notice that the said requirement arises from the fact that by reason of the large number of its shareholders or members and their wide distribution in point of residence both within and without Ontario the corporation is unable to ascertain which of its shareholders or members are Roman Catholics and separate school supporters, or the proportion which the shares or memberships held by Roman Catholics who are separate school supporters bear to the whole amount of the shares issued by or memberships of the corporation, as is set forth in the attached statutory declaration of \_\_\_\_\_ of the (*here insert the name and place of residence of the declarant*) who is the (*here name the office of the declarant*) of the said corporation, or

3. And take notice that the said requirement arises from the fact that more than one-fourth of the shares issued by the corporation is owned by a corporation or corporations the head office of which is not in Ontario.

4. And further take notice that attached hereto is a certified copy of the said resolution of the directors.

Given on behalf of the said corporation this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Corporate seal \_\_\_\_\_

.....  
Secretary.

NOTE.—A corporation will use either clause 2 or 3 as the circumstances may require, and will strike out that one of the two clauses which is not applicable.



BILL

An Act to amend The Assessment Act.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

---

MR. HEPBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR HEPBURN

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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.  
c. 238,  
amended.

**1.** *The Assessment Act* is amended by adding thereto the following sections:

Distribution  
of assess-  
ments of  
corporations  
for public  
and separate  
school  
purposes.

**33a.**—(1) Every corporation, except those to which section 33*b* applies, shall require, by notice, Form 13, to the clerk of the municipality in or for which a separate school exists, that the whole or part of the assessments for land, business and income liable to taxation for school purposes in respect to which such corporation is assessed within the municipality or school section in or for which the separate school exists, be entered, assessed and rated for separate school purposes; and the assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of such assessments as are designated in the notice, and so much of the said assessments as are so designated shall be assessed accordingly for separate school purposes, and not for public school purposes, but all the remainder of the said assessments of the corporation shall be entered for public school purposes.

Corporations  
with share  
capital.

(2) In the case of such a corporation having share capital, the assessments, which may be required by the said notice to be entered, assessed and rated for separate school purposes, shall bear the same ratio to the whole of the said assessments as the number of the shares of the corporation held by individuals, who are Roman Catholics and separate school supporters and who have filed a notice, Form 14, with the corporation as required by subsection 4 of section 33*c*, bears to the number of all the shares issued by the corporation.



- (3) In the case of such a corporation having no share capital, the assessments which may be required by the said notice to be entered, assessed and rated for separate school purposes shall bear the same ratio to the whole of the said assessments as the number of members who are Roman Catholics and separate school supporters and who have filed a notice, Form 14, with the corporation as required by subsection 4 of section 33c, bears to the total number of members of the corporation.

Corporations without share capital.

- 33b.—(1) A corporation having share capital of which more than one-half of the shares issued is owned by any other corporation or corporations the head office of which is not in Ontario, and also a corporation, which, by reason of the large number of its shareholders or members and the wide distribution in point of residence of such shareholders or members, is unable to ascertain which of its shareholders or members are Roman Catholics and separate school supporters or the ratio which the number of the shares or memberships held by Roman Catholics who are separate school supporters bears to all the shares issued by or memberships of the corporation, shall require by notice, Form 15, to the clerk of the municipality in or for which a separate school exists that the assessments for land, business and income liable to taxation for school purposes in respect to which such corporation is assessed within the municipality or school section in or for which the separate school exists, be entered, assessed and rated for school purposes as provided in this section.

Cases where corporation assessments for school purposes are distributed on a different basis than provided for in section 33a.

- (2) The said notice shall be accompanied by a statutory declaration of the president, vice-president or secretary of the corporation, or other person in charge of its affairs in Ontario having knowledge of the facts, testifying as to the facts mentioned in subsection 1 by virtue of which the corporation is subject to the provisions of this section and not of section 33a.

Declaration verifying facts.

- (3) Section 33a shall not apply to a corporation which may file a notice under this section; and the whole of the assessments of a corporation governed by this section, in a municipality or school section in or for which a separate school exists, shall be divided for purposes of taxation between the public schools and separate schools in the same ratio as the total assessments of all the rateable property in such municipality or school section assessed according to

Mode of distribution of assessments.



the last revised assessment roll to persons who being individuals are public school supporters bear to the total assessments of all the rateable property in such municipality or school section assessed according to the said assessment roll to persons who being individuals are Roman Catholics and separate school supporters; and taxation for public school purposes and separate school purposes against the said lands, business and income of the corporation shall be imposed and levied accordingly; provided that the rates to be levied in any year upon the assessments of such land, business and income shall in all such cases be the rate for such year imposed and levied for public school purposes.

Cases where  
all share-  
holders or  
members  
are in  
Ontario.

- (4) This section shall not apply to a corporation in which the whole of the shares or memberships are held by persons having their residences or places of business within Ontario, and the provisions of section 33a shall apply to such corporations.

Continuing  
effect of  
notices.

- 33c.—(1) A notice given under section 33a or 33b in pursuance of a resolution of the directors of a corporation shall for all purposes be deemed to be sufficient and such notice shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn by a notice subsequently given pursuant to a resolution of the directors of such corporation.

Inspection  
of notices  
and duties  
of assessor.

- (2) Every notice so given to the clerk of a municipality shall be kept on file in his office and shall be open to inspection by any person entitled to inspect the assessment roll, and the assessor shall in each year before the return of the assessment roll search for and examine all such notices on file in the office of the clerk, and shall conform thereto and to the provisions of section 33a or 33b as the case may be.

When  
notices  
to be given.

- (3) A notice to be given by a corporation under section 33a or 33b in any year shall be given not later than the 1st day of March in such year and shall be in relation to the shareholders or members of the corporation of record in its registers as of the 1st day of January in such year, and such notice shall govern in respect to the assessment roll of a municipality made in such year, whether the assessments contained therein be for the purposes of taxation in such year or in the succeeding year.

Notice by  
shareholders  
or members.

- (4) Any shareholder or member of a corporation to which section 33a applies and who is a Roman Catholic

and a separate school supporter may require by notice, Form 14, to the secretary of the corporation given on or before the 1st day of January in any year that the shares of or membership in the corporation which he may hold on the 1st day of January in such year and in any succeeding years shall be deemed to be held by a Roman Catholic and separate school supporter for the purposes of the said section, provided it shall not be necessary for such person to renew the said notice annually while he remains a shareholder or member and further that any person who has given such notice may at any time withdraw the same by notice in writing to the secretary of the corporation.

- 33d. False statements made in any notice given pursuant to section 33a and 33b shall not relieve a corporation from assessment or taxation, and any corporation failing to give such notice or making any false statement in any notice given pursuant to the said sections and every person giving for such corporation such a notice, and any shareholder or member of a corporation giving a notice pursuant to section 33c, fraudulently or wilfully inserting any false statements in any such notice shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$100 and not exceeding \$1,000, recoverable under *The Summary Convictions Act*. Penalty for false statements, etc. Rev. Stat. c. 121.
- 33e. Any person entitled under this Act to appeal in respect to any matter of assessment may appeal from the assessment of a corporation, on the ground that the said assessment is not in accordance with the notice given by the corporation under section 33a or 33b or, whether or not notice has been given by the corporation, on the ground that the said assessment is contrary to section 33a or 33b, whichever may be applicable, or that the notice is not in accordance with the facts. Appeals from assessments.
- 33f. Notwithstanding the provisions of subsection 3 of section 33c in any municipality in which the assessment is made in the year 1936 for the purposes of taxation in the year 1937 the notice to be given by a corporation to the clerk of such municipality under the provisions of section 33a or 33b shall be given not later than the 1st day of August, 1936, and shall be in relation to the shareholders or members of the corporation of record in its registers as of the 30th day of June, 1936, and the assessment roll of Corporation school taxes in 1937.

such municipality or of any ward thereof shall not be completed or revised prior to the 1st day of August, 1936, to an extent that will prevent the said notice being given effect to in the assessment roll for the purposes of taxation in 1937 in accordance with such notice, subject to any appeal which may be had therefrom; and in such case the notice which may be given by a shareholder or member of a corporation as provided in subsection 4 of section 33c may be given to the secretary of the corporation not later than the 30th day of June, 1936, and for the purposes of this section, Form 14, shall be varied to relate to the 30th day of June, 1936.

**2.** *The Assessment Act* is amended by adding thereto Forms 13, 14 and 15.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent, but it shall not affect taxation for school purposes levied in and for the year 1936.

## FORM 13

## NOTICE FROM CORPORATION

(Section 33a.)

To the Clerk of (*naming the municipality*)

Take notice that (*here insert the name of the corporation giving the notice*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn, varied or cancelled the whole or so much of the assessment for land, business and income of the corporation within the above named municipality or in any school section therein in or for which a separate school exists shall be entered, assessed and rated for separate school purposes to the amount of ..... per centum of the said assessments.

And take notice that attached hereto is a certified copy of the said resolution of the directors.

Given on behalf of the said corporation this            day of            19 .

Corporate seal

.....  
Secretary

## FORM 14

## NOTICE FROM SHAREHOLDER OR MEMBER OF A CORPORATION

(Section 33c.)

To the Secretary of (*name of corporation*)  
....., Ontario.

I, (*here insert name in full and post office address of shareholder or member*), a shareholder in or member of the above named corporation and being a Roman Catholic and separate school supporter require that all shares of or membership in the corporation which I may hold on the 1st day of January in this and any succeeding years according to the registers of the corporation shall be deemed to be shares of or membership in the corporation held by a Roman Catholic and separate school supporter for the purposes of section 33a of *The Assessment Act*.

Dated this            day of            19 .

Witness:

.....  
.....

.....  
(*Signature of shareholder  
or member*).



## FORM 15

## NOTICE FROM CORPORATION

(Section 33b).

To the Clerk of (*naming the municipality*)

1. Take notice that (*here insert the name of the corporation giving the notice*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn, varied or cancelled, the whole of the assessment for land, business and income of the corporation within the above named municipality or in any school section therein in or for which a separate school exists shall be entered, assessed and rated for public and separate schools purposes and taxation for schools purposes imposed and levied thereon in accordance with the provisions of section 33b of *The Assessment Act*.

2. And take notice that the said requirement arises from the fact that by reason of the large number of its shareholders or members and their wide distribution in point of residence both within and without Ontario the corporation is unable to ascertain which of its shareholders or members are Roman Catholics and separate school supporters, or the proportion which the shares or memberships held by Roman Catholics who are separate school supporters bear to the whole amount of the shares issued by or memberships of the corporation, as is set forth in the attached statutory declaration of \_\_\_\_\_ of the (*here insert the name and place of residence of the declarant*) who is the (*here name the office of the declarant*) of the said corporation, or

3. And take notice that the said requirement arises from the fact that more than one-half of the shares issued by the corporation is owned by a corporation or corporations the head office of which is not in Ontario.

4. And further take notice that attached hereto is a certified copy of the said resolution of the directors.

Given on behalf of the said corporation this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Corporate seal

.....  
Secretary.

NOTE.—A corporation will use either clause 2 or 3 as the circumstances may require, and will strike out that one of the two clauses which is not applicable.









BILL

An Act to amend The Assessment Act.

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*1st Reading*

April 3rd 1936

*2nd Reading*

April 9th, 1936

*3rd Reading*

April 9th, 1936

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MR. HEPBURN

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Industrial Standards Act, 1935.

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MR. CROLL

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# BILL

## An Act to amend The Industrial Standards Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Industrial Standards Amendment Act, 1936*.

1935, c. 28, s. 2, re-enacted. **2.** Clauses (c), (d), (e), (i), (j), and (k) of section 2 of *The Industrial Standards Act, 1935*, are repealed and the following substituted therefor:

"Employer." (c) "Employer" shall include every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by order-in-council as hereinafter provided;

"Industry." (d) "Industry" shall include any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same, except the mining and agricultural industries;

"Wages." (i) "Wages" shall include any form of remuneration for labour performed and without restricting the generality of the foregoing shall include payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece work or unit price rate;

1935, c. 28, s. 5, re-enacted. **3.** Section 5 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Minister may define zones.

**5.—(1)** The Minister may from time to time designate the whole of Ontario, or any part or parts thereof, as a zone or zones for any industry for the purpose

#### EXPLANATORY NOTES

Section 2 (c). Definition of "employer" extended to include every person who employs a workman whose wages and hours are regulated by a Schedule.

Section 2 (d). The definition of "industry" is extended to include combinations of trades where it is desired to include them under one schedule.

Section 2 (i). The term "wages" is defined and includes payment in any form for labour.

The terms "schedule", "schedule of hours of labour" and "schedule of wages" are not defined as they are no longer used in the Act.

Section 3. The new section 5 permits the Minister to divide the Province into zones for each industry and authorizes a conference to define the area of any zone more accurately and to subdivide the area into separate zones subject to the approval of the Minister.



- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- (f) classify the employees and separately provide for each classification with respect to any of the matters which may be dealt with in such schedule;
- (g) define any term used in the schedule,

and upon his recommendation the Lieutenant-Governor in Council may declare such schedule to be in force during pleasure within such designated zone or zones as may be prescribed and to be binding upon the employers and employees in the industry referred to in such schedule.

1935, c. 28,  
amended.

**7.** *The Industrial Standards Act, 1935*, is amended by adding thereto the following section:

Convening  
of conference  
for  
subsequent  
schedule.

- 10a. At any time after a schedule has been in force for a period of at least twelve months, an officer may, with the approval of the Minister, convene a new conference of employers and employees in the industry affected by such schedule for the purpose of investigating or considering the condition of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 9 and the provisions of sections 8, 9 and 10 shall apply *mutatis mutandis* to such negotiations and to any schedule which may be formulated by the Minister as a result of such new conference.

1935, c. 28,  
s. 15,  
re-enacted.

**8.** Section 15 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Advisory  
Boards.

- 15.—(1) For every zone or group of zones to which any schedule applies the Minister may establish an Advisory Board of not more than five members, one of whom shall be designated as chairman, and such board may hear complaints of employers and employees and may generally assist in carrying out the provisions of this Act and the regulations; and, notwithstanding anything contained in any schedule, such board shall have authority to fix a special

Section 7. New Section 10a is added which provides a method for negotiating and putting into effect a new or subsequent schedule whenever an existing schedule requires amendment or alteration.

Section 8. The new Section 15 provides for the appointment of advisory boards for each industry affected by a schedule and empowers the boards to give special permits for employment to handicapped persons who are unable to obtain employment at the rate fixed for the employees in the industry.

minimum rate of wages for any employee who is handicapped by reason of age or physical or other disability and thereupon the minimum rate of wages for such employee shall be the rate as fixed by the said board.

Right of  
Appeal.

- (2) Any employer or employee aggrieved by the decision of an Advisory Board shall have the right to appeal from such decision to the Minimum Wage Board which shall have jurisdiction to hear and determine such appeal and whose decision shall be final.

1935, c. 28,  
s. 16, f  
re-enacted.

9. Section 16 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Violation  
of schedule  
by employer.

- 16.—(1) Any employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and for a first offence shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment to imprisonment for a term not to exceed two months; and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not exceeding \$500, and in default of payment to imprisonment for a term not to exceed six months; and in every case, upon conviction, shall be ordered to pay as an additional penalty to the employees the full amount of the wages then found to be unpaid under the provisions of the schedule, or if, the Magistrate finds that any employee has, by his conduct, induced or in any way participated in the offence, he may order that such unpaid wages be paid to the Minimum Wage Board for the purposes of the Province.

Penalty.

Violation  
of schedule  
by employee.

- (2) Every employee who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and liable to a fine of not less than \$5 and not exceeding \$25 and in default of payment to imprisonment for a term not to exceed ten days.

Penalty.

Prosecutions  
instituted.

- (3) No prosecution shall be instituted under this Act except with the consent of the Minimum Wage Board and the production of any writing signed by a member of the Board shall be sufficient evidence of the consent of the Board.

1935, 2. 38,  
s. 17, sub-  
sections 1  
and 2,  
repealed.

10. Subsections 1 and 2 of section 17 of *The Industrial Standards Act, 1935*, are repealed.

Commence-  
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Subsection 2 provides for a right of appeal to the Minimum Wage Board from any decision of an advisory board.

Section 9. New Section 16 (1) provides for an additional penalty for second and subsequent offenders (employers only).

Subsection 2 replaces the former subsections 1 and 2 of section 17 and provides an increased penalty for offences by employees.

Subsection 3 prevents prosecution except with the consent of the Minimum Wage Board.







BILL

An Act to amend The Industrial  
Standards Act, 1935.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

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Mr. CROLL

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No. 139

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Industrial Standards Act, 1935.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 139

1936

# BILL

## An Act to amend The Industrial Standards Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Industrial Standards Amendment Act, 1936*.

1935, c. 28,  
s. 2,  
re-enacted.      **2.** Clauses *c, d, e, i, j,* and *k* of section 2 of *The Industrial Standards Act, 1935*, are repealed and the following substituted therefor:

"Employer."      (c) "Employer" shall include every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by order-in-council as hereinafter provided;

"Industry."      (d) "Industry" shall include any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same, except the mining and agricultural industries;

"Wages."      (i) "Wages" shall include any form of remuneration for labour performed and without restricting the generality of the foregoing shall include payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece work or unit price rate.

1935, c. 28,  
s. 5,  
re-enacted.      **3.** Section 5 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Minister  
may define  
zones.      **5.—(1)** The Minister may from time to time designate the whole of Ontario, or any part or parts thereof, as a zone or zones for any industry for the purpose

of carrying out the provisions of this Act and the regulations.

- (2) Any area so designated as a zone may be enlarged or reduced or divided into separate zones by the representatives of employers and employees in any conferences to be held as hereinafter provided and upon the approval of the Minister, the area as enlarged, reduced or divided, shall be deemed to be the designated zone or zones for the industry affected.

Reduction  
of zone area.

4. Section 7 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

1935, c. 28,  
s. 7,  
re-enacted.

7. The Minister may, upon the petition of representatives of employers or employees in any industry within a designated zone or zones, authorize an officer to convene a conference of the employers and employees in such industry for the purpose of investigating and considering the conditions of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8.

Officer  
may  
convene  
conferences.

5. Section 8 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

1935, c. 28,  
s. 8,  
re-enacted.

8. The conference may submit to the Minister in writing a schedule of wages and hours and days of labour for the industry affected and such schedule may—

Conference  
to report to  
Minister.

- (a) establish the maximum number of hours comprising the regular working day;
- (b) establish the maximum number of hours comprising the regular working week;
- (c) establish the minimum rates of wages for the regular working periods;
- (d) establish the particular days in the week for the performance of labour in the industry;
- (e) establish the rates of wages and the periods for, and the conditions governing, overtime work;
- (f) classify the employees and separately provide for each classification with respect to any of the matters which may be dealt with in such schedule;
- (g) define any term used in the schedule.



1935, c. 28,  
s. 9,  
re-enacted.

6. Section 9 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Formulation  
of schedule  
of wages,  
hours, days  
of labour.

9. If, in the opinion of the Minister, the schedule of wages and hours and days of labour submitted by the conference is agreed to by a proper and sufficient representation of employers and employees, he may approve thereof and upon his recommendation the Lieutenant-Governor in Council may declare such schedule to be in force during pleasure, or for the period not exceeding twelve months stipulated in such schedule, within such designated zone or zones as may be prescribed and to be binding upon the employers and employees in the industry referred to in such schedule.

1935, c. 28,  
amended.

7. *The Industrial Standards Act, 1935*, is amended by adding thereto the following section:

Convening  
of conference  
for  
subsequent  
schedule.

- 10a. At any time after a schedule has been in force for a period of at least twelve months, an officer may, with the approval of the Minister, convene a new conference of employers and employees in the industry affected by such schedule for the purpose of investigating or considering the condition of labour and the practices prevailing in such industry and for negotiating with respect to any of the matters enumerated in section 8 and the provisions of sections 8, 9 and 10 shall apply *mutatis mutandis* to such negotiations and to any schedule which may be approved by the Minister as a result of such new conference.

1935, c. 28,  
s. 15,  
re-enacted.

8. Section 15 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor:

Advisory  
Boards:

- 15.—(1) For every zone or group of zones to which any schedule applies the Minister may establish an Advisory Board of not more than five members, one of whom shall be designated as chairman, and such board may hear complaints of employers and employees to whom such schedule applies and may generally assist in carrying out the provisions of this Act and the regulations; and, notwithstanding anything contained in any schedule, such board shall have authority to fix a special minimum rate of wages for any employee who is handicapped by reason of age or physical or other disability and thereupon the minimum rate of wages for such employee shall be the rate as fixed by the said board.

- (2) Any employer or employee aggrieved by the decision of an Advisory Board shall have the right to appeal from such decision to the Minimum Wage Board which shall have jurisdiction to hear and determine such appeal and whose decision shall be final. Right of Appeal.

9. Section 16 of *The Industrial Standards Act, 1935*, is repealed and the following substituted therefor: 1935, c. 28, s. 16, re-enacted.

- 16.—(1) Any employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and for a first offence shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment to imprisonment for a term not to exceed two months; and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not exceeding \$500, and in default of payment to imprisonment for a term not to exceed six months; and in every case, upon conviction, shall be ordered to pay as an additional penalty to the employees the full amount of the wages then found to be unpaid under the provisions of the schedule, or if, the Magistrate finds that any employee has, by his conduct, induced or in any way participated in the offence, he may order that such unpaid wages be paid to the Minimum Wage Board for the purposes of the Province. Violation of schedule by employer. Penalty.

- (2) Every employee who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and liable to a fine of not less than \$5 and not exceeding \$25 and in default of payment to imprisonment for a term not to exceed ten days. Violation of schedule by employee. Penalty.

- (3) No prosecution shall be instituted under this Act except with the consent of the Minimum Wage Board and the production of any writing signed by a member of the Board shall be sufficient evidence of the consent of the Board. Prosecutions instituted.

10. Subsections 1 and 2 of section 17 of *The Industrial Standards Act, 1935*, are repealed. 1935, c. 38, s. 17, subsections 1 and 2, repealed.

11. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.







BILL

An Act to amend The Industrial  
Standards Act, 1935.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. CROLL

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No. 140

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Municipal Act.

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MR. CARR

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.  
c. 233, s. 53,  
amended.

1. Section 53 of *The Municipal Act* is amended by adding thereto the following subsection:

Ineligibility  
of member  
whose term  
of office is  
not expired  
to qualify  
for another  
office unless  
he resigns  
his present  
office.

(1a) In any municipality in which under the provisions of this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the annual municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

Rev. Stat.,  
c. 233, s. 56,  
subs. 5,  
re-enacted.

2. Subsection 5 of section 56 of *The Municipal Act* is repealed and the following substituted therefor:

Joint  
Tenancy.

(5) If the rating of land owned or occupied by two or more persons jointly and not severally is sufficient, if equally divided among them, to give a qualification to all, each of them shall be deemed to be rated within the meaning of this section; and if such rating is insufficient to qualify all, so many of them shall be deemed to be rated within the meaning of this section as will result in whole numbers from a division of the minimum rating prescribed by subsection 2 into the total rating of the land, and in such case the persons who shall be deemed to be rated shall be named in a writing to be signed by





all such joint owners or occupants and upon such nomination being filed with the clerk.

Rev. Stat.,  
c. 233,  
amended.

**3.** *The Municipal Act* is amended by adding thereto the following section:

New  
election  
in case of  
death of  
candidate.

71a. If a candidate for any office dies after being nominated and having qualified and before the close of the poll, the returning officer shall fix a new day for nomination of candidates for such office and for polling, and the proceedings in such case shall as nearly as practicable be the same as for a new election.

Rev. Stat.,  
c. 233, s. 81,  
cl. b,  
re-enacted.

**4.** Clause *b* of section 81 of *The Municipal Act* is repealed and the following substituted therefor:

Number of  
electors  
in a  
subdivision

(b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city exceeds 450, and in any other municipality 300, in such a manner that the number in any polling subdivision in such a city shall not exceed 450 and that the number in any polling subdivision in any other municipality shall not exceed 300.

Rev. Stat.,  
c. 233, s. 81,  
cl. e,  
amended.

**5.** Clause *e* of section 81 of *The Municipal Act* is amended by striking out the figures "200" in the second line and inserting in lieu thereof the figures "450" so that the said clause shall now read as follows:

Duty of  
clerk when  
population  
exceeds  
limit.

(e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 450 in a city, or 300 in any other municipality, he shall notify the council of the fact.

Rev. Stat.,  
c. 233, s. 82,  
subs. 1,  
amended.

**6.** Subsection 1 of section 82 of *The Municipal Act* is amended by striking out the words "urban municipalities" in the first and second lines and inserting in lieu thereof the words "towns and villages" so that the said subsection shall now read as follows:

Uniting  
polling  
sub-  
divisions.

(1) By-laws may be passed by the councils of towns and villages for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor.

Rev. Stat.,  
c. 233, s. 109,  
subs. 2,  
amended.

**7.** Subsection 2 of section 109 of *The Municipal Act* as amended by section 2 of *The Municipal Amendment Act, 1929*, is further amended by striking out the word "seven" in the fifth line and inserting in lieu thereof the word "nine."



Rev. Stat.,  
c. 328,  
s. 109a,  
(1934,  
c. 34, s. 3),  
amended.

**8.** Section 109a of *The Municipal Act* as enacted by section 3 of *The Municipal Amendment Act, 1934*, is amended by adding thereto the following subsection:

Change of  
polling  
hours.

- (5a) The council of a municipality to which this section applies may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between nine o'clock in the forenoon and nine o'clock in the afternoon, and such by-law shall remain in force from year to year until repealed.

Rev. Stat.,  
c. 233,  
amended.

**9.** *The Municipal Act* is amended by adding thereto the following section:

Special  
poll for  
soldiers'  
hospitals.

- 109b.—(1) Wherever in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, the council may by by-law declare any such home, hospital or institution to be a polling place for the purpose of elections and a poll shall be held in each such place and all patients therein who are electors of the municipality shall be entitled to vote at such poll.

- (2) When any such patient is bed-ridden or unable to walk it shall be lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot.

- (3) Subsections 6, 7, 8, 13 and 14 of section 109a shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections.

Rev. Stat.,  
c. 233, s. 160,  
amended.

**10.** Section 160 of *The Municipal Act* is amended by adding thereto the following clause:

- (f) files his resignation with the clerk of the municipality as provided in subsection 1a of section 53 for the purpose of becoming a candidate for council in some other office.

Rev. Stat.,  
c. 233, s. 166,  
amended.

**11.** Section 166 of *The Municipal Act* is amended by adding thereto the following subsection:



Vacancies  
not  
requiring a  
by-election.

- (5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 1a of section 53, the vacancy shall not be filled in the manner provided in section 164 or 165, but the seat shall remain vacant until the next ensuing annual election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office.

Rev. Stat.,  
c. 233, s. 397,  
par. 49,  
amended.

**12.** Paragraph 49 of Section 397 of *The Municipal Act* is amended by inserting after the word "regulating" in the first line, the words "within any part of the municipality or within any defined area thereof, or upon any defined highways therein" so that the said paragraph shall now read as follows:

Animals  
running  
at large.

49. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

Rev. Stat.,  
c. 233, s. 397,  
amended.

**13.** Section 397 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establishing  
funds for  
bands.

65. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a band or bands of music and for making annual or other grants from such fund to any band or bands or to the members thereof.

Assent of  
electors  
requisite.

- (a) No by-law shall be passed under the authority of this paragraph unless the assent of the electors qualified to vote on money by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent.

Submission  
of by-law on  
petition.

- (b) Upon a petition for the establishment of a fund under the authority of this paragraph being presented to the council of a municipality signed by not less than fifteen per centum in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next





ensuing annual municipal elections submit a by-law for the establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law.

Rev. Stat.,  
c. 233,  
s. 429, par. 6,  
clause *d*  
(1929,  
c. 58, s. 12),  
amended.

**14.** Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as enacted by section 12 of *The Municipal Amendment Act*, 1929, and amended by subsection 1 of section 16 of *The Municipal Amendment Act*, 1933, is further amended by striking out the words "for the license" in the first line and inserting in lieu thereof the words "for a license in the case of a transient trader" so that the said clause shall now read as follows:

Fees.

- (*d*) Subject to the provisions of clause *dd* the fee to be paid for a license in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

Rev. Stat.,  
c. 233,  
s. 431a.,  
amended.

**15.** Section 431a of *The Municipal Act* is amended by adding thereto the following paragraph:

"Tag days."

2. For fixing days when persons and organizations engaged in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
amended.

**16.** Paragraph 3 of section 495 of *The Municipal Act* as amended by subsection 1 of section 11 of *The Municipal Amendment Act*, 1936, is further amended by adding at the end thereof the words: "and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law," so that the said paragraph shall now read as follows:

Areas and  
openings,  
etc., under  
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks; for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and



used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
clause a.  
amended.

**17.** Clause *a* of paragraph 3 of section 495 of *The Municipal Act* is amended by inserting after the word "charge" in the first line, the words "and any expense incurred by the corporation in restoring the highway to its former condition," so that the said clause shall now read as follows:

Recovery of  
annual and  
other  
charges.

- (a) Such annual or other charge, and any expense incurred by the corporation in restoring the highway to its former condition, shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Rev. Stat.,  
c. 233, s. 502,  
amended.

**18.** Section 502 of *The Municipal Act* is amended by adding thereto the following paragraph:

Installation  
of meters for  
controlling  
parking of  
vehicles on  
highways,  
and  
charging  
of fees for  
parking.

7. For erecting, maintaining and operating, or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating on any highway or portion of a highway automatic or or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

Rev. Stat.,  
c. 240, not  
applicable.

- (a) It shall not be necessary for the council to comply with any requirement of *The Muni-*



*cipal Franchises Act* in granting to any person the right to erect, maintain and operate the said meters or devices.

Limitation  
of actions  
except for  
negligence.

- (b) The corporation, or a person to whom the right is granted, shall not, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Commence-  
ment of Act.

**19.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Municipal Act.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

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MR. CARR

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No. 141

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act to amend The Assessment Act.

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MR. CARR

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TORONTO  
PRINTED BY T. E. BOWMAN  
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# BILL

## An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 4,  
par. 4,  
re-enacted.

1. Paragraph 4 of section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Philan-  
thropic and  
religious  
seminaries.

4. The buildings and grounds of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary.

Educational  
seminaries.

- 4a. The buildings and grounds not exceeding in the whole twenty acres of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary, and such exemption shall not extend to include any part of the lands of such a seminary which are used for farming or agricultural pursuits and are worked on shares with any other person, or if the annual or other crops, or any part thereof, from such lands are sold.

Rev. Stat.,  
c. 238,  
amended.

2. *The Assessment Act* is amended by adding thereto the following section:

Exemption  
of farm  
lands in  
police  
villages.

- 43a.—(1) Section 43 shall apply to a police village so that farm lands situate therein may be exempted or partly exempted from taxation in the same manner, to the same extent, and for the purposes mentioned in the said section.



Exemption  
by-law  
to be passed  
by trustees  
of police  
village.

- (2) The trustees or board of trustees of a police village shall have power to and shall pass by-laws as provided for in section 43, and forthwith after passing the same furnish a certified copy thereof to the clerk of the township or townships in which the police village or any part thereof is situate, and all notices to be given under the said section shall be given to the trustees or board of trustees of the police village instead of to the clerk of the municipality.

Notice of  
by-law  
and of  
decisions  
of judge to  
be given to  
township  
clerk.

- (3) The trustees or board of trustees of a police village shall notify the clerk of the township or townships in which the police village or any part thereof is situate of any decision of the judge made under section 43 forthwith after the same is received.

Jurisdiction  
of judge  
where two  
counties  
affected.

- (4) If a police village is situate in two or more counties, the judge of the county court of the county in which the larger or largest part of the police village is situate shall exercise jurisdiction for the purposes of this section.

Application  
of by-law by  
township  
council in  
striking  
rates.

- (5) The provisions of every by-law of a police village passed under the authority of this section, and of every decision of the judge with respect to such

police village, shall be made applicable by the council of the township or townships in which the police village or any part thereof is situate in striking the rates to be levied in or for the purposes of the police village.

Rev. Stat.,  
c. 238, s. 64a,  
amended.

3. Section 64a of *The Assessment Act* is amended by adding thereto the following subsection:

Appoint-  
ment of  
deputy  
Commis-  
sioner.

- (4) The commissioner may also from time to time appoint another person possessing like qualifications to act as his deputy for a period not exceeding one month, and such person when so acting shall have all the powers of the commissioner and shall be paid such sum for his services as the council may by by-law or resolution provide.

Rev. Stat.,  
c. 238, s. 121,  
subs. 5  
(1932,  
c. 31, s. 2),  
re-enacted.

- 4.—(1) Subsection 5 of section 121 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act*, 1932, is repealed and the following substituted therefor:

Applications  
in respect to  
vacant  
tenements.

- (5) An application under clause a of subsection 1 may be made by any person assessed, or by a mortgagee or subsequent purchaser who has been in possession of a tenement which has remained vacant during





such possession, and may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may cancel or reduce the taxes, or order that the corporation refund a portion of the taxes paid, and the corporation may refund the same accordingly, and if the application is made by a mortgagee or subsequent purchaser who paid the taxes, the refund shall be made to such mortgagee or subsequent purchaser.

Rev. Stat.,  
c. 238, s. 121,  
amended. (2) The said section 121 is further amended by adding thereto the following subsection:

By-law  
respecting  
cancellations  
and  
refunds,  
etc.

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clauses *a*, *b* or *c* of subsection 1, or under subsection 5 of this section by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

Commence-  
ment  
of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Assessment Act.

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

MR. CARR

2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Practice of Optometry.

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MR. ROEBUCK

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# BILL

## An Act respecting the Practice of Optometry.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Optometry Act, 1936*.
- Interpre-      **2.** In this Act,—  
tation.
- "Board."      (a) "Board" shall mean Board of Examiners in Optome-  
try appointed under the authority of this Act;
- "Ophthalmic      (b) "Ophthalmic lens" shall mean any form of lens or  
lens."      prism or the combination of the same, devised for  
the relief or correction of any visual or muscular  
error or defect of the eye;
- "Optome-      (c) "Optometry" shall mean the measurement of or the  
try."      attempt to measure by any means, other than the  
use of drugs, the refractive or muscular condition of  
the eye, the prescribing of any ophthalmic lens or  
lenses or the prescribing of any spectacles or eye-  
glasses or ocular calisthenics to any person for the  
relief or correction of any visual or muscular error  
or defect of the eye;
- "Optome-      (d) "Optometrist" shall mean any person who practises  
trist."      optometry as herein defined; 1931, c. 45, s. 2, *part*.
- "Optician."      (e) "Optician" shall mean any person who dispenses any  
ophthalmic lens or lenses or spectacles or eye-glasses  
devised for the relief or correction of any visual or  
muscular error or defect of the eye, or repairs the  
same, or fills any optometrist's or duly qualified  
medical practitioner's prescription for any such  
lenses, spectacles or eye-glasses; 1931, c. 45, s. 2,  
*part, amended*.
- "Prescribe."      (f) "Prescribe" shall include the supply or loan by any  
person, or his agent, to any other person, of a me-

#### EXPLANATORY NOTES

Section 2. The same terms are defined in substantially the same manner as in the repealed Act. "Duly qualified medical practitioner" replaces "oculist" in the definition of "optician" as the meaning of "oculist" is uncertain and the only classes of persons qualified to prescribe are optometrists and duly qualified medical practitioners.



chanical instrument for the purpose of such other person, by means of such instrument, making a self-measurement of the refractive or muscular condition of the eye. 1931, c. 45, s. 2, *part, amended*.

"Regulations."

(g) "Regulations" shall mean regulations made under the authority of this Act; R.S.O. 1927, c. 215, s. 1.

Board of  
Examiners  
in  
Optometry.

3.—(1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. R.S.O. 1927, c. 215, s. 2 (1), *amended*.

Members  
of Board.

(2) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Board and may also appoint a secretary of the Board. R.S.O. 1927, c. 215, s. 2 (5).

Regulations.

4.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) providing for a course of instruction in any technical school or other institution in Ontario for the training of persons to become optometrists or opticians; R.S.O. 1927, c. 215, s. 3 (1), cls. *a, b, amended*.
- (b) prescribing the requirements for registration under this Act;
- (c) fixing the fees payable for the trial of examinations and for registration;
- (d) providing for the issuance and renewal of certificates of registration and of exemption and for the fees payable for such issuance and renewal;
- (e) prescribing the procedure of the Board at its meetings;
- (f) prescribing the duties of the secretary and other persons employed by the Board;
- (g) generally for the better carrying out of the provisions of this Act. *New*.

Amending  
or  
repealing  
regulations.

(2) The Lieutenant-Governor in Council may at any time amend or repeal any of the regulations. *New*.

Register.

5. The Board shall provide a register which shall be kept by the secretary and in which shall be entered the name, address and qualification of every person registered as an optometrist or optician in Ontario and every person who is

Section 3 (1) The members of the Board are appointed by and at the pleasure of the Lieutenant-Governor in Council instead of for fixed terms.

(2) The subsection is the same as subsection 5 of the repealed Act.

Section 4. The section gives to the Board substantially the same power to make regulations as the corresponding section of the repealed Act, but such regulations may be amended or repealed by the Lieutenant-Governor in Council.

Section 5. The section is the same as section 4 of the repealed Act.

the holder of a certificate of exemption. R.S.O. 1927, c. 215, s. 4, *amended*.

Admission  
to  
registration.

6. Every person who files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications as an optometrist or optician, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration. R.S.O. 1927, c. 215, s. 5.

7. Every person who,—

Certificate  
of  
exemption.

(a) on the 1st day of November, 1919, was carrying on business as an optometrist or optician in Ontario;

(b) is a British subject by birth or naturalization;

(c) is of good character;

(d) possesses such education and technical qualifications as may be prescribed by the regulations,

shall be entitled to receive from the Board a certificate of exemption from registration under this act. R.S.O. 1927, c. 215, s. 6 (2), *amended*.

Suspension  
or  
revocation  
of  
certificate.

8. The Board may suspend or revoke the certificate of registration or exemption of any person who has been convicted of any offence involving fraud and arising out of the practice of optometry or as an optician, by such person. R.S.O. 1927, c. 215, s. 8 (1), *amended*.

Offences.

9.—(1) Every person not being the holder of a certificate under this Act or whose certificate is for the time being suspended or has been revoked, who practises optometry or as an optician or appends to his name the term "optometrist" or "optician" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act shall be guilty of an offence.

Section 6. The section is the same as section 5 of the repealed Act.

Section 7. The section is substantially the same as section 6 of the repealed Act.

Section 8. The wide powers given the Board to hold inquiries with the powers of a commissioner appointed under *The Public Inquiries Act* are abolished. The Board's power to suspend or revoke licenses extends only to persons who have been convicted of offences involving fraud and connected with the practice of optometry or as an optician by such persons.

Section 9. Offences under the Act are reduced to the practising of optometry or as an optician by persons not entitled to do so; the wrongful use of the term "optometrist," "optician" or similar terms or abbreviations thereof; otherwise wrongfully representing oneself to be an optometrist or optician; and the peddling of eye-glasses or spectacles.

Peddling prohibited.

(2) Every person, whether a holder of a certificate under this Act or not, who peddles or sells or offers for sale from door to door, spectacles or eye-glasses shall be guilty of an offence.

Penalties.

(3) Every person who is guilty of an offence under the provisions of this Act shall for a first offence be liable to a penalty of not less than \$10 and not exceeding \$100 and for a second or subsequent offence to a penalty of not less than \$25 and not exceeding \$500. 1931, c. 45, s. 4 *part, amended*.

Recovery of penalties. Rev. Stat., c. 121.

(4) The penalties imposed under this Act shall be recovered under *The Summary Convictions Act*. 1931, c. 45, s. 4, *part, amended*.

Board may establish schools of instruction.

**10.**—(1) The Board may enter into agreements and arrangements with any recognized university in Ontario for the establishment of a faculty school and may make agreements and arrangements with schools and other educational institutions for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists and opticians and may establish and carry on its own schools of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as may be deemed necessary. R.S.O. 1927, c. 215, s. 11 (1), *amended*.

Powers of Board as to using moneys and holding lands.

(2) The Board may use any moneys that have heretofore or may hereafter come into its hands for any of the purposes and objects mentioned in subsection 1, and shall have and possess all powers that may be necessary or convenient for such purposes and objects and shall be deemed trustees for such purposes and objects with power without license in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate and to borrow money for such purposes and objects and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board.

Manner of execution of instruments by Board.

(3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Examiners in Optometry," and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when so executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name. R.S.O. 1927, c. 215, s. 11 (2, 3).

Exemption from operation of Act.

**11.**—(1) Nothing in this Act shall apply to a duly qualified medical practitioner or to any person, firm or corporation



Section 10. The section is the same as section 11 of the repealed Act.

Section 11 (1) The subsection is the same as subsection 10 (a) of the repealed Act.



carrying on business in Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye. 1931, c. 45, s. 5, *part, amended*.

Interference  
with prices  
prohibited.

(2) Nothing in this Act contained shall authorize the board to regulate, control or interfere with the prices which may be charged for eye-glasses or spectacles, the fees which may be charged for the examination of eyes or the prescribing of eye-glasses or spectacles or the terms upon which such charges or fees may be paid. *New*.

Act not to  
prevent  
certain  
practices.

(3) Nothing in this Act contained shall prevent,—

- (a) the practice by a retail merchant of optometry or as an optician at his ordinary place of business or the carrying on therein of an optical department, if such practice and optical department are in charge of a registered optometrist or a duly qualified medical practitioner; or
- (b) the selling or offering for sale by a retail merchant at his ordinary place of business of spectacles or eye-glasses; or
- (c) the provision by a retail merchant at his ordinary place of business of a test card or chart, other than a mechanical instrument, so that customers therein may select spectacles or eye-glasses kept for sale by such retail merchant at his place of business; or
- (d) the furnishing or supplying through the mail of any person to any other person of a test card or chart, other than a mechanical instrument, whereby such other person may select spectacles or eye-glasses; or  
1931, c. 45, s. 6, *amended*.
- (e) the unrestricted sale of protection glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or  
1931, c. 45, s. 5, *part, amended*.
- (f) the advertising of spectacles or eye-glasses or of the prices thereof or the terms upon which they may be purchased by persons entitled to sell or offer for sale spectacles or eye-glasses. *New*.

Commence-  
ment of Act.

**12.** This Act shall come into force on the day upon which it receives the Royal Assent.

(2) The subsection forbids the Board to fix or interfere with prices.

(3) Clauses *a*, *b*, *c* and *d* are the same as enacted in 1931 but permit a duly qualified medical practitioner to be in charge of a retail store. The situation in this regard under the repealed Act was anomalous as a medical practitioner was recognized by the Act as capable of practising optometry but could not be in charge of a retail store.

Clause *e* is substantially the same as subsection 10*b* of the repealed Act.

Clause *f* permits advertising to be carried on by optometrists.

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BILL

An Act respecting the Practice of  
Optometry.

---

*1st Reading*

April 3rd, 1936

*2nd Reading*

*3rd Reading*

---

Mr. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

An Act respecting the Practice of Optometry.

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MR. ROEBUCK

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# BILL

## An Act respecting the Practice of Optometry.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- |                       |   |
|-----------------------|---|
| Short title.          | <b>1.</b> This Act may be cited as <i>The Optometry Act, 1936</i> .   |
| Interpre-<br>tation.  | <b>2.</b> In this Act,—   |
| “Board.”              | (a) “Board” shall mean Board of Examiners in Optome-<br>try appointed under the authority of this Act; R.S.O.<br>1927, c. 215, s. 1, cl. <i>a</i> .   |
| “Ophthalmic<br>lens.” | (b) “Ophthalmic lens” shall mean any form of lens or<br>prism or the combination of the same, devised for<br>the relief or correction of any visual or muscular<br>error or defect of the eye;  |
| “Optome-<br>try.”     | (c) “Optometry” shall mean the measurement of or the<br>attempt to measure by any means, other than the<br>use of drugs, the refractive or muscular condition of<br>the eye, the prescribing of any ophthalmic lens or<br>lenses or the prescribing of any spectacles or eye-<br>glasses or ocular calisthenics to any person for the<br>relief or correction of any visual or muscular error<br>or defect of the eye;        |
| “Optome-<br>trist.”   | (d) “Optometrist” shall mean any person who practises<br>optometry as herein defined; 1931, c. 45, s. 2, <i>part</i> .  |
| “Optician.”           | (e) “Optician” shall mean any person who dispenses any<br>ophthalmic lens or lenses or spectacles or eye-glasses<br>devised for the relief or correction of any visual or<br>muscular error or defect of the eye, or repairs the<br>same, or fills any optometrist’s or duly qualified<br>medical practitioner’s prescription for any such<br>lenses, spectacles or eye-glasses; 1931, c. 45, s. 2,<br><i>part, amended</i> . |
| “Prescribe.”          | (f) “Prescribe” shall include the supply or loan by any<br>person, or his agent, to any other person, of a me-<br>chanical instrument for the purpose of such other   |



person, by means of such instrument, making a self-measurement of the refractive or muscular condition of the eye. 1931, c. 45, s. 2, *part, amended.*

- (g) "Regulations" shall mean regulations made under the authority of this Act; R.S.O. 1927, c. 215, s. 1, cl. b. <sup>"Regulations."</sup>

**3.**—(1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of three persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. R.S.O. 1927, c. 215, s. 2 (1), *amended.* <sup>Board of Examiners in Optometry.</sup>

(2) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Board and may also appoint a secretary of the Board. R.S.O. 1927, c. 215, s. 2 (5). <sup>Members of Board.</sup>

**4.**—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,— <sup>Regulations.</sup>

- (a) providing for a course of instruction in any technical school or other institution in Ontario for the training of persons to become optometrists or opticians; R.S.O. 1927, c. 215, s. 3 (1), cls. a, b, *amended.*
- (b) prescribing the requirements for registration under this Act;
- (c) fixing the fees payable for the trial of examinations and for registration;
- (d) providing for the issuance and renewal of certificates of registration and of exemption and for the fees payable for such issuance and renewal;
- (e) prescribing the procedure of the Board at its meetings;
- (f) prescribing the duties of the secretary and other persons employed by the Board;
- (g) generally for the better carrying out of the provisions of this Act. *New.*

(2) The Lieutenant-Governor in Council may at any time amend or repeal any of the regulations. *New.* <sup>Amending or repealing regulations.</sup>

**5.** The Board shall provide a register which shall be kept by the secretary and in which shall be entered the name, address and qualification of every person registered as an optometrist or optician in Ontario and every person who is <sup>Register.</sup>



the holder of a certificate of exemption. R.S.O. 1927, c. 215, s. 4, *amended*.

Admission  
to  
registration.

**6.** Every person who files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications as an optometrist or optician, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration. R.S.O. 1927, c. 215, s. 5, *amended*.

Certificate  
of  
exemption.

**7.** Every person who,—

- (a) on the 1st day of November, 1919, was carrying on business as an optometrist or optician in Ontario;
- (b) is a British subject by birth or naturalization;
- (c) is of good character;
- (d) possesses such education and technical qualifications as may be prescribed by the regulations,

shall be entitled to receive from the Board a certificate of exemption from registration under this Act upon furnishing proof of such facts to the satisfaction of the Board and complying with the requirements contained in the regulations. R.S.O. 1927, c. 215, s. 6 (2), *amended*.

Suspension  
or  
revocation  
of  
certificate.

**8.** The Board may suspend or revoke the certificate of registration or exemption of any person who has been convicted of any offence involving fraud and arising out of the practice of optometry or as an optician, by such person. R.S.O. 1927, c. 215, s. 8 (1), *amended*.

Offences.

**9.**—(1) Every person not being the holder of a certificate under this Act or whose certificate is for the time being suspended or has been revoked, who practises optometry or as an optician or appends to his name the term "optometrist" or "optician" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act shall be guilty of an offence.

(2) Every person, whether a holder of a certificate under this Act or not, who peddles or sells or offers for sale from door to door or who prescribes by mail spectacles or eye-glasses shall be guilty of an offence. Peddling prohibited.

(3) Every person who is guilty of an offence under the provisions of this Act shall for a first offence be liable to a penalty of not less than \$10 and not exceeding \$100 and for a second or subsequent offence to a penalty of not less than \$25 and not exceeding \$500. Penalties.

(4) The penalties imposed under this Act shall be recovered under *The Summary Convictions Act*, 1931, c. 45, s. 4, *part, amended*. Recovery of penalties. Rev. Stat., c. 121.

**10.**—(1) The Board may enter into agreements and arrangements with any recognized university in Ontario for the establishment of a faculty school and may make agreements and arrangements with schools and other educational institutions for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists and opticians and may establish and carry on its own schools of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as may be deemed necessary. R.S.O. 1927, c. 215, s. 11 (1), *amended*. Board may establish schools of instruction.

(2) The Board may use any moneys that have heretofore or may hereafter come into its hands for any of the purposes and objects mentioned in subsection 1, and shall have and possess all powers that may be necessary or convenient for such purposes and objects and shall be deemed trustees for such purposes and objects with power without license in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate and to borrow money for such purposes and objects and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board. Powers of Board as to using moneys and holding lands.

(3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Examiners in Optometry," and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when so executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name. R.S.O. 1927, c. 215, s. 11 (2, 3). Manner of execution of instruments by Board.

**11.**—(1) Nothing in this Act shall apply to a duly qualified medical practitioner or to any person, firm or corporation Exemption from operation of Act.

carrying on business in Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye. 1931, c. 45, s. 5, *part, amended*.

Interference  
with prices  
prohibited.

(2) Nothing in this Act contained shall authorize the board to regulate, control or interfere with the prices which may be charged for eye-glasses or spectacles, the fees which may be charged for the examination of eyes or the prescribing of eye-glasses or spectacles or the terms upon which such charges or fees may be paid. *New*.

Act not to  
prevent  
certain  
practices.

(3) Nothing in this Act contained shall prevent,—

- (a) the practice by a retail merchant of optometry or as an optician at his ordinary place of business or the carrying on therein of an optical department, if such practice and optical department are in charge of a registered optometrist or a duly qualified medical practitioner; or
- (b) the selling or offering for sale by a retail merchant at his ordinary place of business of spectacles or eye-glasses; or
- (c) the provision by a retail merchant at his ordinary place of business of a test card or chart, other than a mechanical instrument, so that customers therein may select spectacles or eye-glasses kept for sale by such retail merchant at his place of business; or
- (d) the furnishing or supplying through the mail of any person to any other person of a test card or chart, other than a mechanical instrument, whereby such other person may select spectacles or eye-glasses; or  
1931, c. 45, s. 6, *amended*.
- (e) the unrestricted sale of protection glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or  
1931, c. 45, s. 5, *part, amended*.
- (f) the advertising of spectacles or eye-glasses or of the prices thereof or the terms upon which they may be purchased, by persons entitled to sell or offer for sale spectacles or eye-glasses. *New*.

Commence-  
ment of Act.

**12.** This Act shall come into force on the day upon which it receives the Royal Assent.





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**BILL**

An Act respecting the Practice of  
Optometry.

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*1st Reading*

April 3rd, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

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MR. ROEBUCK

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Statute Law Amendment Act, 1936.

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MR. ROEBUCK

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No. 143

1936

# BILL

## The Statute Law Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Statute Law Amendment Act, 1936*.

Validity of municipal tax sales notwithstanding failure to distrain, Rev. Stat., c. 238.

2.—(1) Notwithstanding the provisions of *The Assessment Act* or that any requirement thereof in respect to the levying by distress for collection of taxes which are a lien upon the land has not been complied with, or that the collector or any other officer of the municipality has failed to levy distress for the same, such lands may be brought to sale for non-payment of such taxes, and no action may be brought by the owner of the land or by any person claiming by, through or under him or under any former owner to prevent or set aside such sale or to set aside the tax deed of the land when sold, or to recover the said land or to recover any moneys paid under protest to prevent the sale of the said land or the issue and delivery of the tax deed of the lands when sold, and every such action shall be barred.

Application of sub-section 1.

(2) Subsection 1 shall apply to all taxes which heretofore have been imposed or levied, or which hereafter and prior to the 31st day of December, 1936, are imposed and levied by the council of any municipality under the authority of any general or special Act.

Rev. Stat., c. 164, s. 21, subs. 2, amended.

3. Subsection 2 of section 21 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the words "first division court of the provisional county" in the third and fourth lines and inserting in lieu thereof the words "county court of the County of Victoria", so that the said subsection shall now read as follows:

Registration in County of Victoria.

(2) Where the property is situate in the Provisional County of Haliburton the instrument shall be registered in the office of the clerk of the county court of the County of Victoria.

#### EXPLANATORY NOTES

Section 2. The object of this clause is to continue for another year the temporary measure introduced in 1934, to avoid distress for taxes being levied in cases which by reason of the depression would work a hardship and in many instances add to the cost of unemployment relief.

Section 3. *The Haliburton Act*, R.S.O. 1927, chapter 4, provides that for judicial purposes the Provisional County of Haliburton shall be united with and form part of the County of Victoria.

It is now provided that instruments made under the provisions of *The Bills of Sale and Chattel Mortgage Act* shall be registered in the office of the clerk of the first division court of the Provisional County of Haliburton. This has been proved to be unsatisfactory as the clerk of that court spends only a small part of his time as division court clerk. He has not even an office. It is advisable, therefore, that all such documents be filed with the clerk of the county court of the County of Victoria at Lindsay, and the amendment to subsection 2 of section 21 so provides.

Rev. Stat.,  
c. 167, s. 9,  
amended.

4. Section 9 of *The Bulk Sales Act* as amended by section 3 of *The Bulk Sales Act, 1923*, is further amended by striking out the words "and the judge shall be entitled to a fee of \$1" in the fourth and fifth lines and inserting in lieu thereof the words "and a fee of \$1 shall be payable in law stamps", so that the said section shall now read as follows:

Appointment  
of trustee  
by county  
judge.

9. Upon the application of any person interested, if the vendor has not appointed a trustee, the judge shall by order appoint a trustee, and a fee of \$1 shall be payable in law stamps on every such order.

1879, c. 81,  
s. 4, subs. 5  
(1912, c. 151,  
s. 3),  
re-enacted.

5. Subsection 5 of section 4 of the Act relating to what is now known as *The Canadian National Exhibition Association*, passed in the forty-second year of the reign of Her late Majesty Queen Victoria and chaptered 81, as enacted by section 3 of the Act passed in the second year of the reign of His late Majesty King George V and chaptered 151, and amended by clause (e) of subsection 1 of section 3 of the Act passed in the ninth year of the reign of His late Majesty King George V, chaptered 126, is repealed and the following substituted therefor:

Number of  
members,—  
statement  
showing to  
be given  
Association.

(5) Notice of the appointment of representatives under subsections 3 and 4 and the names and addresses of such representatives, signed by the president and secretary of each of the said bodies (other than the county council of the county of York and the Board of Education of the city of Toronto) together with a statement, verified by statutory declaration of such secretary, of the total number of members of the body at the date of its annual meeting, the number of such members who upon the said date had paid their fees to the body, and the number of such members who attended the annual meeting, shall forthwith after such meeting be given to the said Association so that the same shall be received by the secretary of the said Association not later than the second Wednesday of February at the hour of 12 o'clock noon in each year.

1919, c. 79  
amended.

6. The Act passed in the ninth year of the reign of His Majesty King George the Fifth, chaptered 79, intituled *An Act to confirm an Agreement between the Toronto Conservatory of Music and Governors of the University of Toronto*, is amended by adding thereto the following section:

Issue of  
redemption  
debentures.

5.—(1) The conservatory may for the purpose of redeeming or paying off the debentures issued under the authority of section 4 as enacted by *The Conservatory of Music Act, 1927*, issue debentures to an amount

1927, c. 93.

Section 4. Section 9 of *The County Judges Act* provides for the payment of an allowance by the Province to every county court judge and forbids the acceptance by the judge of fees payable under any other provincial statute. This amendment provides that the fee which was formerly payable to the judge under *The Bulk Sales Act* is now payable in law stamps.

Section 5. The existing statute, enacted in 1912, provides that each organization that is a member of the Canadian National Exhibition Association shall forward to the Secretary of the Association, with the notice of the appointment of its representatives, a certified list of the names and addresses of all its members and of the members who voted at its annual meeting.

This procedure has, in recent years, become cumbersome and practically impossible because many of these organizations, such as the Canadian Manufacturers Association, the Retail Merchants Association of Canada, the Commercial Travellers Association of Canada, etc., have thousands of members scattered over the Dominion.

The Exhibition Association, accordingly, have asked that the statute be amended as set out in this section so that instead of such organizations being required to forward a certified list of the names and addresses of all members, they will merely forward a statement showing the total number of such members, the number of paid up members and the number attending the annual meeting of the organization.

Section 6. The Conservatory of Music issued debentures in 1927, guaranteed by the University of Toronto, which may now be called in and re-issued at a lower rate of interest. Statutory authority for such purpose is requisite and is contained in this amendment.



not exceeding \$255,000 for a term not exceeding thirty years, and such debentures shall be a charge upon the land described in the schedule to this Act, and the Governors of the University of Toronto may guarantee such debentures, such guarantee to be in the following form or to the like effect:

"The Governors of the University of Toronto hereby guarantee to the holder of the within debenture the due payment of the principal and interest thereof, as and when the same respectively become due."

Execution of  
guarantee by  
University

- (2) Upon the execution of the above guarantee by the chairman or vice-chairman and the bursar on behalf of the Board of Governors of the University of Toronto, the same shall be binding upon the said Board.

Rev. Stat.,  
c. 90, s. 24,  
(1935, c. 14,  
s. 4),  
amended.

7. Subsection 2 of section 24 of *The County Judges Act*, as enacted by section 4 of *The County Judges Act, 1935*, is amended by striking out the words "this and" in the seventh line, so that the said subsection shall now read as follows:

How  
convened.

- (2) The judge in a county court district who, in point of time, is senior in appointment to office shall convene the meetings referred to in this section and unless all the judges present at any such meeting unanimously agree upon a different mode of dividing the work, the same shall be divided strictly in conformity with the next preceding section, and no judge except by reason of illness or other unavoidable cause, shall be excused from performing the judicial work assigned to him at any such meeting.

Rev. Stat.,  
c. 100, s. 13,  
subs. 7,  
amended.

8. Subsection 7 of section 13 of *The Dower Act* is amended by striking out the words "the judge shall be entitled to his own use to a fee of \$5" in the first and second lines and inserting in lieu thereof the words "a fee of \$5 shall be payable in law stamps", so that the said subsection shall now read as follows:

Fee for  
order.

- (7) On every such application a fee of \$5 shall be payable in law stamps, and no other fee or charge of any kind shall be payable in respect thereof, except that for filing the affidavits and papers the proper officer shall charge the same fees as for filing papers in other cases, which in the Supreme Court shall be paid in law stamps.

Rev. Stat.,  
c. 128, s. 13,  
amended.

9. Section 13 of *The Estreats Act* is amended by striking out the words "to the Treasurer of Ontario and" in the third

Section 7. These words are struck out to clarify the meaning of the section.

Section 8. The section now provides for the payment to the judge of a fee of \$5 on every application. Section 9 of *The County Judges Act* provides for the payment of an allowance by the Province to every county court judge and provides that a county judge shall not accept any further fee provided by any Act of the Legislature. This amendment accordingly repeals the provision that a judge shall accept a fee of \$5 and provides that such fee shall be payable in law stamps.

Section 9. The section now requires returns to be made to both the Treasurer of Ontario and the Inspector of Legal Offices. Since 1922 the returns have not been used by the Treasurer and accordingly the requirement that a copy of the returns shall be sent to him is eliminated.



and fourth lines, so that the said section shall now read as follows:

Certified  
return to  
Inspector  
of Legal  
Offices.

13. A copy of the roll and return, certified by the clerk of the peace or by one of the registrars of the Supreme Court shall be forthwith transmitted to the Inspector of Legal Offices, with a minute thereon of any of the sums therein mentioned which have been remitted by order of the Court, in whole or in part, or directed to be foreborne under the authority of this Act.

Rev. Stat.,  
c. 112, s. 2,  
cl. e,  
amended.

10. Clause *e* of section 2 of *The Execution Act* as amended by section 2 of *The Execution Act, 1933*, is further amended by striking out the figures "\$200" in the second line and inserting in lieu thereof the figures "\$400", so that the first two lines of the section and the clause shall now read as follows:

Chattels  
exempt from  
seizure.

2. The following chattels shall be exempt from seizure under any writ issued out of any court, namely:

- (e) One cow, six sheep, four hogs, twelve hens and one team of horses and harness necessary for the same, in all not exceeding the value of \$400, and food therefor for thirty days, and one dog.

Rev. Stat.,  
c. 88, s. 112,  
amended.

11. Section 112 of *The Judicature Act* is amended by adding thereto the following subsection:

Powers of  
county judge  
outside  
county for  
which he is  
appointed.

- (2) Where a county court judge is authorized to exercise jurisdiction in a county other than the county for which he is appointed he shall, while exercising jurisdiction in such county, have the like power as a local judge of the High Court Division as though he were a judge of the county court of such county.

Rev. Stat.,  
c. 118,  
amended.

12. *The Justices of the Peace Act* is amended by adding thereto the following section:

Salaries,  
fees and  
emoluments.

- 24a. The Lieutenant-Governor in Council may make regulations providing for the payment of salary, fees and emoluments to justices of the peace and may direct that any city for which a justice of the peace is assigned shall pay to such justice of the peace such salary as may be determined by the Lieutenant-Governor in Council.

Section 10. The purpose of this amendment is to increase the value of farmers' exemptions under *The Execution Act* from \$200 to \$400. This is to allow for the amendment made to clause (e) in 1933, when the exemption was extended to include "one team of horses and harness necessary for the same."

Section 11. Section 112 now provides that county court judges shall be local judges. Since its enactment county court districts, comprising usually four or five counties, have been erected. The added subsection provides that each of the judges shall have the power of a local judge in each of the counties in the county court district while exercising jurisdiction in such county.

Section 12. The amendment provides for the payment of salaries, fees and emoluments to justices of the peace.

Rev. Stat.,  
c. 257, s. 1,  
cl. (k)  
(1932, c. 33,  
s. 2, subs. 1),  
amended.

**13.**—(1) Clause *k* of section 1 of *The Liquor Control Act* as re-enacted by subsection 1 of section 2 of *The Liquor Control Act, 1932*, is amended by striking out the word “or” in the second line, and by inserting after the word “cherries” in the second line the words “or apples”, so that the said clause shall now read as follows:

“Native  
wine.”

- (*k*) “Native wine” shall mean wine manufactured from grapes, cherries or apples grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario.

Rev. Stat.,  
c. 257, s. 42,  
subs. 1  
(1930, c. 51,  
s. 3),  
amended.

(2) Subsection 1 of section 42 of *The Liquor Control Act* as re-enacted by section 3 of *The Liquor Control Act, 1930*, is amended by striking out the words “pursuant to a permit held by him” in the first and second lines and inserting in lieu thereof the words “under the provisions of this Act and the regulations”, so that the said subsection shall now read as follows:

Place where  
liquor may  
be kept, etc.

- (1) Liquor purchased by any person under the provisions of this Act and the regulations, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations.

Rev. Stat.,  
c. 257, s. 63,  
subs. 2  
(1928, c. 44,  
s. 9),  
amended.

(3) Subsection 2 of section 63 of *The Liquor Control Act* as amended by section 9 of *The Liquor Control Act, 1928*, is further amended by striking out the words and figures “sections 62, 63 or 64” in the second line and inserting in lieu thereof the words and figures “section 62 or 63” so that the said subsection shall now read as follows:

Unreason-  
able  
quantity.

- (2) If in any prosecution for selling any of the products mentioned in section 62 or 63, the justice hearing the complaint is of opinion that an unreasonable quantity of any such product, having regard to the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that such product was used for beverage purposes, the person selling or otherwise disposing of the same may be convicted of an offence under subsection 1 of section 72 of this Act.

Rev. Stat.,  
c. 257, s. 64,  
subs. 1 to 6  
repealed.

(4) Subsections 1 to 6 of section 64 of *The Liquor Control Act* are repealed.

Section 13.—(1) The definition of "native wine" is extended to include wine manufactured from apples grown in Ontario.

(2) This amendment is necessary as beer and wine may now be purchased without a permit. These, as well as liquor, must be consumed, etc., only in the residence of the person who made the purchase.

(3) This amendment is required because of the repeal of the flavouring extract provisions of the Act by subsection (4) of section 13 of this Bill.

(4) and (5) The provisions controlling the sale of flavouring extracts, etc., are repealed.



Rev. Stat.,  
c. 257, s. 64,  
subs. 7  
(1928, c. 44,  
s. 10),  
amended.

(5) Subsection 7 of the said section 64 as enacted by section 10 of *The Liquor Control Amendment Act, 1928*, is amended by striking out the words "or who obtains or consumes for such purposes any of the products mentioned in section 64", so that the said subsection shall now read as follows:

Penalty for  
using certain  
products as  
beverages.

(7) Any person who obtains or consumes for beverage purposes any of the products mentioned in section 62 or 63, shall be guilty of an offence and liable to the penalties prescribed by subsection 3 of section 103 of this Act.

Rev. Stat.,  
c. 257,  
amended.

(6) *The Liquor Control Act* is amended by adding thereto the following section:

Board may  
prohibit  
purchase,  
etc.

84a.—(1) Notwithstanding anything contained in this Act or the regulations, the Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, including beer and wine, and any such person who contravenes such order shall be guilty of an offence against the provisions of this Act.

Board may  
prohibit  
supplying.

(2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person who contravenes any such order so made against him shall be guilty of an offence against the provisions of this Act.

Board may  
prescribe.

(3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who contravenes the provisions of any such order shall be guilty of an offence against this Act.

Service of  
order.

(4) Service of the orders of the Board mentioned in subsections 1, 2 and 3 shall be effective if forwarded

(6) The purpose of this new section is to enable the Board to exercise control over a person whose permit has been cancelled, and who resorts to the purchase of beer and wine for which a permit is not required.



by prepaid registered mail to the last known address of the person against whom such order is made.

Rev. Stat.,  
c. 257, s. 108,  
subs. 3,  
amended.

(7) Subsection 3 of section 108 of *The Liquor Control Act* is amended by striking out the word "Minister" in the third line and inserting in lieu thereof the words "Commissioner of Police for Ontario", so that the said subsection shall now read as follows:

Search  
without  
warrant.

(3) Any provincial police inspector, other officer or constable who is authorized in writing for the purpose by the Commissioner of Police for Ontario, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises may without warrant enter and search the building or premises, and every part thereof and for that purpose may break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor, and such authority shall be a general one and shall be effective until revoked.

Rev. Stat.,  
c. 257,  
amended.

(8) *The Liquor Control Act* is amended by adding thereto the following section:

Search  
warrant  
may be  
executed at  
any time.

110a. Notwithstanding anything contained in this Act or the regulations any search warrant or authorization to search issued or authorized under this Act or the regulations may be executed at any time, including Sunday or other holiday, and by day or night.

Rev. Stat.,  
c. 45, s. 88,  
amended.

**14.** Section 88 of *The Mining Act* as amended by section 3 of *The Mining Act, 1929*, and section 14 of *The Mining Act, 1931*, is further amended by adding thereto the following subsection:

Staking  
after for-  
feiture or  
loss of rights.

(4) Where forfeiture or loss of rights has occurred under section 87, or any other section of this Act, the lands, mining rights or mining claims so forfeited shall not be open for staking until seven o'clock standard time in the forenoon of the day immediately following that upon which forfeiture occurred.

Rev. Stat.,  
c. 241, s. 1,  
amended.

**15.—(1)** Section 1 of *The Municipal Drainage Act* is amended by adding thereto the following clause:

"Drain,"  
"drainage  
work."

(dd) "Drain" and "drainage work" shall include all protective banks, walls, crib works, dykes and other works ancillary thereto.

(7) The Commissioner of Police for Ontario may authorize a search without warrant. Heretofore this power was exercised by the Minister.

(8) Section 110a is added in order to ensure that searches may be prosecuted at any hour of any day or night.

Section 14. As the Act now stands, no specific time is mentioned and the lands therefore become forfeited at twelve o'clock midnight on the day on which the claims run out. A daylight staking is of necessity more accurate and seven o'clock in the morning is a more convenient hour for the prospecting fraternity generally than immediately after twelve o'clock midnight.

Section 15—(1) Defines "drain" and "drainage work".

Rev. Stat.,  
c. 241, s. 76,  
subs. 1,  
amended.

(2) Subsection 1 of section 76 of *The Municipal Drainage Act* is amended by inserting after the word "thereto" in the eighth line the words "or to construct, reconstruct or extend protective banks, walls, dykes and other protective works as ancillary to the drainage work", and by inserting after the word "outlet" in the fifteenth line and after the word "drain" in the eighteenth line the words "protective works", so that the said subsection shall now read as follows:

Repairing  
upon  
examination  
and report  
by engineer.

- (1) Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act or any Act respecting drainage by local assessment, or to prevent damage to any lands or roads it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or to construct a tile drain under the bed of the whole or any portion of such drainage work as ancillary thereto, or to construct, reconstruct or extend protective banks, walls, dykes and other protective works as ancillary to the drainage work, or otherwise improve, extend or alter the work or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain such drainage work, may without the petition required by section 2, but on the report of an engineer or surveyor appointed by them to examine and report on the same, undertake and complete the change of course, new outlet, protective works, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, tile drain, protective works, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable to assessment under this Act for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act.

Rev. Stat.,  
c. 16, s. 38,  
re-enacted.

**16.**—(1) Section 38 of *The Public Service Act* is repealed and the following substituted therefor:

Deductions  
from  
salaries  
for Fund.

38. Commencing with the 1st day of July, 1936, and thereafter, there shall be deducted from the salary of every employee monthly, an amount equal to four per centum of his salary, and the amount so deducted shall be placed to the credit of the Fund in the Public Service Superannuation Fund Account.

(2) Doubts having arisen as to whether section 76 of the Act is wide enough to include the building of protective walls where highways or roads may be damaged by erosion from the waters of a drainage system, it is desirable to mention such works specifically in the section.

Section 16.—(1) At the present time contributions made to the Superannuation Fund under *The Public Service Act* vary from two and one-half to five per centum according to age when entering the service. To avoid the great amount of calculation now necessary the section is amended to provide for a contribution of four per centum in all cases. It is also proposed to appoint members of the temporary staff to the permanent staff where they are rendering satisfactory services and where such services are required, instead of retaining such persons on the temporary staff, so that the provision permitting the time spent as a member of the temporary staff to be taken into consideration when calculations with respect to retiring allowances are being made, becomes unnecessary.



Rev. Stat.,  
c. 16, s. 60,  
subs. 2,  
amended.

(2) Subsection 2 of section 60 of *The Public Service Act* is amended by striking out the words "subsection 2 of " in the sixth line.

Commence-  
ment of  
section.

(3) The amendments made by this section shall have effect from the 1st day of July, 1936.

Rev. Stat.,  
c. 16, s. 49,  
amended.

**17.** Section 49 of *The Public Service Act* is amended by inserting after the word "taxes" in the third line the words "except the tax imposed under *The Income Tax Act of Ontario, 1936*", so that the said section shall now read as follows:

Interest of  
employee,—  
when liable  
to taxation.

49. The interest of any employee in the Fund under this Part or in any retiring allowance or pension payable out of the Fund shall be exempt from provincial and municipal taxes, except the tax imposed under *The Income Tax Act of Ontario, 1936*, and shall not be subject to garnishment or attachment or seizure, or any legal process and shall be unassignable.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1,  
amended.

**18.**—(1) Subsection 1 of section 2 of *The Public Vehicle Act* as amended by subsection 1 of section 3 of *The Public Vehicle Amendment Act, 1935*, is amended by striking out the words "by the Department" in the fourth line and inserting in lieu thereof the words "under this Act", so that the said subsection shall now read as follows:

License for  
public  
vehicles.

(1) No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do under this Act.

Rev. Stat.,  
c. 252, s. 24,  
(1934, c. 49,  
s. 3),  
amended.

(2) Section 24 of *The Public Vehicle Act*, as re-enacted by section 3 of *The Public Vehicle Act, 1934*, is amended by adding thereto the following subsection:

Liability  
coverage to  
passengers  
absolute.  
Rev. Stat.,  
c. 222.

(2) To the extent of the limits prescribed by regulation the provisions of subsection 5 of section 183*h* of *The Insurance Act* shall not apply to a motor vehicle liability policy provided for the protection of passengers of a public vehicle, as required by subsection 1 and the regulations passed thereunder.

Rev. Stat.,  
c. 155, s. 54,  
amended.

**19.**—(1) Section 54 of *The Registry Act* is amended by adding at the end thereof the words "in accordance with the provisions of *The Custody of Documents Act*", so that the said section shall now read as follows:

Orders-in-  
Council.  
Rev. Stat.,  
c. 157.

54. Orders-in-Council shall be registered by depositing a copy of the Order certified by the clerk of the

(2) This amendment brings subsection 2 of section 60 into line with section 38 which is being re-enacted.

(3) This provides that the amendments shall come into effect on and from the 1st day of July, 1936.

Section 17. Superannuation allowances made under *The Public Service Act* are exempt from provincial and municipal taxes but the amendment makes an exception to the exemption so that such allowances are now subject to the tax imposed by *The Income Tax Act of Ontario, 1936*.

Section 18.—(1) The purpose of the amendment is to indicate clearly that the license referred to is a license issued under *The Public Vehicle Act* and not any of the other types of licenses issued by the Department of Highways.

(2) The proposed amendment is to extend the absolute liability provisions of *The Insurance Act* to the compulsory passenger hazard insurance required for public vehicles.

Section 19.—(1) The amendment is to clarify the meaning of the section by indicating that the word "depositing" means depositing in accordance with *The Custody of Documents Act*.



council, in accordance with the provisions of *The Custody of Documents Act*.

Rev. Stat.,  
c. 155, s. 101  
(1929, c. 43,  
s. 12),  
amended. (2) Section 101 of *The Registry Act* as re-enacted by section 12 of *The Registry Act, 1929*, is amended by adding thereto the following subsection:

Remunera-  
tion of  
registrar.

(3) Notwithstanding the provisions of this section, the Lieutenant-Governor in Council may fix the remuneration to be paid to any registrar.

1930, c. 17,  
amended.

**20.** *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following section:

Transfer of  
collateral  
debentures  
to Treasurer  
of Ontario.

29f.—(1) The debentures issued by the corporations as collateral security for the payment of the bonds of the commission shall on or before the 1st day of May, 1936, be delivered to the Treasurer of Ontario by the person or corporation with whom the same now are deposited under the provisions of this Act or any agreement or trust indenture entered into pursuant to this Act or in respect to the railway, and the same shall be held by the Treasurer of Ontario upon the trusts and for the purposes for which the same were issued and have heretofore been held.

Present  
trustee to be  
released from  
responsi-  
bility.

(2) Upon delivery of the said debentures to the Treasurer of Ontario, the person or corporation with whom the same are now deposited shall thereupon be freed and absolved from all trusts, responsibilities and liabilities in connection therewith or under the terms of any trust indenture or agreement, and the duties of such person or corporation in respect thereto shall cease and be determined.

Rev. Stat.,  
c. 18, s. 26,  
amended.

**21.** Section 26 of *The Sheriffs Act* is amended by striking out the words "to the Treasurer of Ontario and" in the second and third lines.

Renewal of  
guarantee by  
city of  
Sudbury of  
bonds of  
street  
railway.

**22.** Subject to the approval of the Ontario Municipal Board first being obtained, the corporation of the city of Sudbury may guarantee payment of the bonds of the Sudbury-Copper Cliff Suburban Electric Railway Company to an amount not exceeding \$75,000 as may be provided in any by-law passed by the council of the said corporation for such purpose in the

(2) The amendment permits registrars of deeds to be paid salaries or other remuneration other than that provided by the section amended.

Section 20. The sole purpose of this amendment is to place the collateral municipal debentures issued for the S. W. & A. Railway with the Provincial Treasurer and thereby save the cost of trustees' annual fees and expenses.

Section 21. The quarterly returns are now required to be made by sheriffs to the Treasurer of Ontario and to the Inspector of Legal Offices. These returns are not used by the Treasurer although in the past the sheriff has been paid \$4 for each return made to the Treasurer. The section as amended will require the returns to be made to the Inspector of Legal Offices only.

Section 22. The purpose of this section is to authorize the Lieutenant-Governor in Council to grant provincial aid to the Scott Memorial Hospital, Seaforth.

Section 23. Sudbury is faced with renewal of its guarantee of bonds of the local street railway, as owing to the city's default it is unable to retire the maturing bonds.

event of such bonds being issued by the said company by way of exchange or substitution for or for the purpose of payment of bonds or any of the bonds of the said company heretofore issued by it and payment whereof was guaranteed by the said corporation under the provisions of the Act respecting the town (now the city) of Sudbury, being Chapter 94 of the Statutes of Ontario, 1916, and the nature, extent and form of any guarantee which may be given by the said corporation under the provisions of this section shall be in accordance with the directions of the said board, and any by-law of the said corporation passed for the said purpose shall not for its validity require the assent of the electors of the said city.

Rev. Stat.,  
c. 150, s. 27,  
subs. 1, cl. a  
re-enacted. **23.** Clause *a* of subsection 1 of section 27 of *The Trustee Act* is repealed and the following substituted therefor:

- (a) Any loan corporation registered under *The Loan and Trust Corporations Act* and having a paid-up capital and reserve fund amounting in the aggregate to not less than \$600,000, the reserve fund being not less than \$150,000; or

Rev. Stat.,  
c. 78, s. 29a,  
subs. 2  
(1931, c. 21,  
s. 2),  
amended. **24.** Subsection 2 of section 29a of *The Vital Statistics Act* as amended by *The Vital Statistics Act, 1931*, is amended by striking out the symbol and figure "\$2" in the second line and inserting in lieu thereof the words "fifty cents," so that the said subsection shall now read as follows:

**Fees.**

- (2) Every such officer shall, for the particulars as to each divorce, receive a fee of fifty cents, and such fee shall be payable from time to time by the Treasurer of Ontario on the certificate of the Registrar-General.

Rev. Stat.,  
c. 7, s. 4,  
subs. 15,  
repealed. **25.—**(1) Subsection 15 of section 4 of *The Voters' Lists Act* is repealed.

Rev. Stat.,  
c. 7, s. 12,  
subs. 2,  
amended. (2) Subsection 2 of section 12 of *The Voters' Lists Act* is amended by striking out the words "or income" in the sixth line so that the said subsection shall now read as follows:

Persons  
who have  
acquired  
qualification  
before time  
for giving  
notice has  
expired.

- (2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired, shall be deemed to be a person entitled to be entered on the list, and if entered thereon, he shall be entered also on the assessment roll, and shall be assessed for his property if not already assessed therefor, without any request on his part, and the judge and clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 37.

Section 23. The new clause *a* is enacted because the old clause *a* of subsection 1 of section 27 has grown obsolete in several respects. The new clause, based upon it, is in harmony with *The Loan and Trust Corporations Act*. The requirements as to capital and reserve are altered and a minimum set in excess of the former provision. The requirement as to market price of the corporation's stock is dropped as being unsuitable, but the approval of the Governor in Council, which may be revoked at any time, is retained.

Section 24. This amendment is to reduce the fees payable to the Registrar to more nearly accord with the work involved.

General. The provisions of section 25 become necessary by reason of the provisions of Bill No. 53, section 2 of which gives the right to vote at municipal elections to persons who have paid provincial income tax.

Section 25.—(1) The repealed subsection provides that where qualification as a voter at municipal elections is in respect to income, the clerk shall so indicate. This subsection is no longer necessary.

(2) Subsection 2 of section 12 of the Act requires certain persons to be assessed for property and income. The words "or income" are omitted as the requirement for the assessment of income is no longer necessary.



Rev. Stat.,  
c. 7, s. 21,  
amended.

(3) Section 21 of *The Voters' Lists Act* as amended by section 3 of *The Voters' Lists Act, 1933*, is further amended by adding thereto the following clause:

Certified  
list,—  
exceptions.  
Rev. Stat.,  
c. 233.

(e) persons who are entitled to vote on a certificate issued pursuant to subsection 3 of section 56 of *The Municipal Act*.

Rev. Stat.,  
c. 7, s. 37,  
amended.

(4) Section 37 of *The Voters' Lists Act* is amended by striking out the words "or income" in the sixth line, so that the said section shall now read as follows:

Liability  
of persons  
whose names  
are added  
to roll on  
revision.

Rev. Stat.,  
c. 238.

37. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll.

1933, c. 111  
continued in  
force.

**26.** Notwithstanding anything contained in *The Windsor, Essex and Lake Shore Railway Act, 1933*, the provisions of the said Act shall continue in force and have effect until the 30th day of June, 1937.

Commence-  
ment of Act

**27.** This Act shall come into force on the day upon which it receives the Royal Assent.

(3) Section 21 of the Act provides that a certified list shall be conclusive evidence that all persons named therein, and no others, are entitled to vote at municipal elections and then sets out certain exceptions. Persons entitled to vote on a certificate to the effect that they have paid provincial income tax and are entitled to vote, are made a further exception.

(4) As the municipality no longer assesses income the words "or income" are deleted.

Section 26. Pending reorganization of the debenture debts of those of the owning municipalities which are in default, it is necessary to protect the other three owning municipalities from action with respect to the debts of the railway for a further period of one year.







BILL

The Statute Law Amendment Act, 1936.

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*1st Reading*

April 6th, 1936

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 143

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2ND SESSION, 19TH LEGISLATURE, ONTARIO  
1 EDWARD VIII, 1936

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# BILL

The Statute Law Amendment Act, 1936.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
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No. 143

1936

# BILL

## The Statute Law Amendment Act, 1936.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Statute Law Amendment Act, 1936*.

Validity of municipal tax sales notwithstanding failure to distrain, Rev. Stat., c. 238.

2.—(1) Notwithstanding the provisions of *The Assessment Act* or that any requirement thereof in respect to the levying by distress for collection of taxes which are a lien upon the land has not been complied with, or that the collector or any other officer of the municipality has failed to levy distress for the same, such lands may be brought to sale for non-payment of such taxes, and no action may be brought by the owner of the land or by any person claiming by, through or under him or under any former owner to prevent or set aside such sale or to set aside the tax deed of the land when sold, or to recover the said land or to recover any moneys paid under protest to prevent the sale of the said land or the issue and delivery of the tax deed of the lands when sold, and every such action shall be barred.

Application of subsection 1.

(2) Subsection 1 shall apply to all taxes which heretofore have been imposed or levied, or which hereafter and prior to the 31st day of December, 1936, are imposed and levied by the council of any municipality under the authority of any general or special Act.

Rev. Stat., c. 164, s. 21, subs. 2, amended.

3. Subsection 2 of section 21 of *The Bills of Sale and Chattel Mortgage Act* is amended by striking out the words "first division court of the provisional county" in the third and fourth lines and inserting in lieu thereof the words "county court of the County of Victoria", so that the said subsection shall now read as follows:

Registration in County of Victoria.

(2) Where the property is situate in the Provisional County of Haliburton the instrument shall be registered in the office of the clerk of the county court of the County of Victoria.

4. Section 9 of *The Bulk Sales Act* as amended by section 3 Rev. Stat., c. 167, s. 9, amended. of *The Bulk Sales Act, 1928*, is further amended by striking out the words "and the judge shall be entitled to a fee of \$1" in the fourth and fifth lines and inserting in lieu thereof the words "and a fee of \$1 shall be payable in law stamps", so that the said section shall now read as follows:

9. Upon the application of any person interested, if Appointment of trustee by county judge. the vendor has not appointed a trustee, the judge shall by order appoint a trustee, and a fee of \$1 shall be payable in law stamps on every such order.

5. Subsection 5 of section 4 of the Act relating to what 1879, c. 81, s. 4, subs. 5 (1912, c. 151, s. 3), re-enacted. is now known as *The Canadian National Exhibition Association*, passed in the forty-second year of the reign of Her late Majesty Queen Victoria and chaptered 81, as enacted by section 3 of the Act passed in the second year of the reign of His late Majesty King George V and chaptered 151, and amended by clause (e) of subsection 1 of section 3 of the Act passed in the ninth year of the reign of His late Majesty King George V, chaptered 126, is repealed and the following substituted therefor:

- (5) Notice of the appointment of representatives under Number of members, statement showing, to be given Association. subsections 3 and 4 and the names and addresses of such representatives, signed by the president and secretary of each of the said bodies (other than the county council of the county of York and the Board of Education of the city of Toronto) together with a statement, verified by statutory declaration of such secretary, of the total number of members of the body at the date of its annual meeting, the number of such members who upon the said date had paid their fees to the body, and the number of such members who attended the annual meeting, shall forthwith after such meeting be given to the said Association so that the same shall be received by the secretary of the said Association not later than the second Wednesday of February at the hour of 12 o'clock noon in each year.

6. The Act passed in the ninth year of the reign of His Majesty King George the Fifth, chaptered 79, intituled 1919, c. 79 amended. *An Act to confirm an Agreement between the Toronto Conservatory of Music and Governors of the University of Toronto*, is amended by adding thereto the following section:

- 5.—(1) The conservatory may for the purpose of redeeming or paying off the debentures issued under the authority of section 4 as enacted by *The Conservatory of Music Act, 1927*, issue debentures to an amount Issue of redemption debentures. 1927, c. 93.



not exceeding \$255,000 for a term not exceeding thirty years, and such debentures shall be a charge upon the land described in the schedule to this Act, and the Governors of the University of Toronto may guarantee such debentures, such guarantee to be in the following form or to the like effect:

"The Governors of the University of Toronto hereby guarantee to the holder of the within debenture the due payment of the principal and interest thereof, as and when the same respectively become due."

Execution of  
guarantee by  
University.

- (2) Upon the execution of the above guarantee by the chairman or vice-chairman and the bursar on behalf of the Board of Governors of the University of Toronto, the same shall be binding upon the said Board.

Rev. Stat.,  
c. 90, s. 24,  
subs. 2,  
(1935, c. 14,  
s. 4),  
amended.

7. Subsection 2 of section 24 of *The County Judges Act*, as enacted by section 4 of *The County Judges Act, 1935*, is amended by striking out the words "this and" in the seventh line, so that the said subsection shall now read as follows:

How  
convened.

- (2) The judge in a county court district who, in point of time, is senior in appointment to office shall convene the meetings referred to in this section and unless all the judges present at any such meeting unanimously agree upon a different mode of dividing the work, the same shall be divided strictly in conformity with the next preceding section, and no judge except by reason of illness or other unavoidable cause, shall be excused from performing the judicial work assigned to him at any such meeting.

Rev. Stat.,  
c. 100, s. 13,  
subs. 7,  
amended.

8. Subsection 7 of section 13 of *The Dower Act* is amended by striking out the words "the judge shall be entitled to his own use to a fee of \$5" in the first and second lines and inserting in lieu thereof the words "a fee of \$5 shall be payable in law stamps", so that the said subsection shall now read as follows:

Fee for  
order.

- (7) On every such application a fee of \$5 shall be payable in law stamps, and no other fee or charge of any kind shall be payable in respect thereof, except that for filing the affidavits and papers the proper officer shall charge the same fees as for filing papers in other cases, which in the Supreme Court shall be paid in law stamps.

Rev. Stat.,  
c. 128, s. 13,  
amended.

9. Section 13 of *The Estreats Act* is amended by striking out the words "to the Treasurer of Ontario and" in the third

and fourth lines, so that the said section shall now read as follows:

13. A copy of the roll and return, certified by the clerk of the peace or by one of the registrars of the Supreme Court shall be forthwith transmitted to the Inspector of Legal Offices, with a minute thereon of any of the sums therein mentioned which have been remitted by order of the Court, in whole or in part, or directed to be foreborne under the authority of this Act. Certified return to Inspector of Legal Offices.
10. Clause *e* of section 2 of *The Execution Act* as amended by section 2 of *The Execution Act, 1933*, is further amended by striking out the figures "\$200" in the second line and inserting in lieu thereof the figures "\$400", so that the first two lines of the section and the clause shall now read as follows: Rev. Stat., c. 112, s. 2, cl. e, amended.
2. The following chattels shall be exempt from seizure under any writ issued out of any court, namely: Chattels exempt from seizure.
- (*e*) One cow, six sheep, four hogs, twelve hens and one team of horses and harness necessary for the same, in all not exceeding the value of \$400, and food therefor for thirty days, and one dog.
11. Section 112 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat., c. 88, s. 112, amended.
- (2) Where a county court judge is authorized to exercise jurisdiction in a county other than the county for which he is appointed he shall, while exercising jurisdiction in such county, have the like power as a local judge of the High Court Division as though he were a judge of the county court of such county. Powers of county judge outside county for which he is appointed.
12. *The Justices of the Peace Act* is amended by adding thereto the following section: Rev. Stat., c. 118, amended.
- 24a. The Lieutenant-Governor in Council may make regulations providing for the payment of salaries, fees and emoluments to justices of the peace and may direct that any city for which a justice of the peace is assigned shall pay to such justice of the peace such salary as may be determined by the Lieutenant-Governor in Council. Salaries, fees and emoluments.

Rev. Stat.,  
c. 257, s. 1,  
cl. (k)  
(1932, c. 33,  
s. 2, subs. 1),  
amended.

13.—(1) Clause *k* of section 1 of *The Liquor Control Act* as re-enacted by subsection 1 of section 2 of *The Liquor Control Act, 1932*, is amended by striking out the word “or” in the second line, and by inserting after the word “cherries” in the second line the words “or apples”, so that the said clause shall now read as follows:

“Native  
wine.”

- (k) “Native wine” shall mean wine manufactured from grapes, cherries or apples grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario.

Rev. Stat.,  
c. 257, s. 42,  
subs. 1  
(1930, c. 51,  
s. 3),  
amended.

(2) Subsection 1 of section 42 of *The Liquor Control Act* as re-enacted by section 3 of *The Liquor Control Act, 1930*, is amended by striking out the words “pursuant to a permit held by him” in the first and second lines and inserting in lieu thereof the words “under the provisions of this Act and the regulations”, so that the said subsection shall now read as follows:

Place where  
liquor may  
be kept, etc.

- (1) Liquor purchased by any person under the provisions of this Act and the regulations, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations.

Rev. Stat.,  
c. 257, s. 63,  
subs. 2  
amended.

(3) Subsection 2 of section 63 of *The Liquor Control Act* as amended by section 9 of *The Liquor Control Act, 1928*, is further amended by striking out the words and figures “sections 62, 63 or 64” in the second line and inserting in lieu thereof the words and figures “section 62 or 63” so that the said subsection shall now read as follows:

Unreason-  
able  
quantity.

- (2) If in any prosecution for selling any of the products mentioned in section 62 or 63, the justice hearing the complaint is of opinion that an unreasonable quantity of any such product, having regard to the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that such product was used for beverage purposes, the person selling or otherwise disposing of the same may be convicted of an offence under subsection 1 of section 72 of this Act.

Rev. Stat.,  
c. 257, s. 64,  
subss. 1 to 6  
repealed.

(4) Subsections 1 to 6 of section 64 of *The Liquor Control Act* are repealed.



(5) Subsection 7 of the said section 64 as enacted by Rev. Stat., c. 257, s. 64, subs. 7 (1928, c. 44, s. 10), amended. section 10 of *The Liquor Control Amendment Act, 1928*, is amended by striking out the words "or who obtains or consumes for such purposes any of the products mentioned in section 64", so that the said subsection shall now read as follows:

- (7) Any person who obtains or consumes for beverage purposes any of the products mentioned in section 62 or 63, shall be guilty of an offence and liable to the penalties prescribed by subsection 3 of section 103 of this Act. Penalty for using certain products as beverages.

(6) *The Liquor Control Act* is amended by adding thereto the following section: Rev. Stat., c. 257, amended.

84a.—(1) Notwithstanding anything contained in this Act or the regulations, the Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, including beer and wine, and any such person who contravenes such order shall be guilty of an offence against the provisions of this Act. Board may prohibit purchase, etc.

- (2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person who contravenes any such order so made against him shall be guilty of an offence against the provisions of this Act. Board may prohibit supplying.

- (3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who contravenes the provisions of any such order shall be guilty of an offence against this Act. Board may prescribe.

- (4) Service of the orders of the Board mentioned in subsections 1, 2 and 3 shall be effective if forwarded Service of order.

by prepaid registered mail to the last known address of the person against whom such order is made.

Rev. Stat.,  
c. 257, s. 108,  
subs. 3,  
amended.

(7) Subsection 3 of section 108 of *The Liquor Control Act* is amended by striking out the word "Minister" in the third line and inserting in lieu thereof the words "Commissioner of Police for Ontario", so that the said subsection shall now read as follows:

Search  
without  
warrant.

- (3) Any provincial police inspector, other officer or constable who is authorized in writing for the purpose by the Commissioner of Police for Ontario, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises may without warrant enter and search the building or premises, and every part thereof and for that purpose may break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor, and such authority shall be a general one and shall be effective until revoked.

Rev. Stat.,  
c. 257,  
amended.

(8) *The Liquor Control Act* is amended by adding thereto the following section:

Search  
warrant  
may be  
executed at  
any time.

- 110a. Notwithstanding anything contained in this Act or the regulations any search warrant or authorization to search issued or authorized under this Act or the regulations may be executed at any time, including Sunday or other holiday, and by day or night.

Rev. Stat.,  
c. 45, s. 88,  
amended.

14. Section 88 of *The Mining Act* as amended by section 3 of *The Mining Act, 1929*, and section 14 of *The Mining Act, 1931*, is further amended by adding thereto the following subsection:

Staking  
after for-  
feiture or  
loss of rights.

- (4) Where forfeiture or loss of rights has occurred under section 87, or any other section of this Act, the lands, mining rights or mining claims so forfeited shall not be open for staking until seven o'clock standard time in the forenoon of the day immediately following that upon which forfeiture occurred.

Rev. Stat.,  
c. 241, s. 1,  
amended.

15.—(1) Section 1 of *The Municipal Drainage Act* is amended by adding thereto the following clause:

"Drain,"  
"drainage  
work."

- (dd) "Drain" and "drainage work" shall include all protective banks, walls, crib works, dykes and other works ancillary thereto.

(2) Subsection 1 of section 76 of *The Municipal Drainage Act* is amended by inserting after the word "thereto" in the eighth line the words "or to construct, reconstruct or extend protective banks, walls, dykes and other protective works as ancillary to the drainage work", and by inserting after the word "outlet" in the fifteenth line and after the word "drain" in the eighteenth line the words "protective works", so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 241, s. 76,  
subs. 1,  
amended.

- (1) Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act or any Act respecting drainage by local assessment, or to prevent damage to any lands or roads it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or to construct a tile drain under the bed of the whole or any portion of such drainage work as ancillary thereto, or to construct, reconstruct or extend protective banks, walls, dykes and other protective works as ancillary to the drainage work, or otherwise improve, extend or alter the work or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain such drainage work, may without the petition required by section 2, but on the report of an engineer or surveyor appointed by them to examine and report on the same, undertake and complete the change of course, new outlet, protective works, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, tile drain, protective works, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable to assessment under this Act for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act.

Repairing  
upon  
examination  
and report  
by engineer.

**16.**—(1) Section 38 of *The Public Service Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 16, s. 38,  
re-enacted.

38. Commencing with the 1st day of July, 1936, and thereafter, there shall be deducted from the salary of every employee monthly, an amount equal to four per centum of his salary, and the amount so deducted shall be placed to the credit of the Fund in the Public Service Superannuation Fund Account.

Deductions  
from  
salaries  
for Fund.



Rev. Stat.,  
c. 16, s. 60,  
subs. 2,  
amended.

(2) Subsection 2 of section 60 of *The Public Service Act* is amended by striking out the words "subsection 2 of " in the sixth line.

Commence-  
ment of  
section.

(3) The amendments made by this section shall have effect from the 1st day of July, 1936.

Rev. Stat.,  
c. 16, s. 49,  
amended.

**17.** Section 49 of *The Public Service Act* is amended by inserting after the word "taxes" in the third line the words "except the tax imposed under *The Income Tax Act of Ontario, 1936*", so that the said section shall now read as follows:

Interest of  
employee,  
when liable  
to taxation.

49. The interest of any employee in the Fund under this Part or in any retiring allowance or pension payable out of the Fund shall be exempt from provincial and municipal taxes, except the tax imposed under *The Income Tax Act of Ontario, 1936*, and shall not be subject to garnishment or attachment or seizure, or any legal process and shall be unassignable.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1,  
amended.

**18.—**(1) Subsection 1 of section 2 of *The Public Vehicle Act* as amended by subsection 1 of section 3 of *The Public Vehicle Amendment Act, 1935*, is amended by striking out the words "by the Department" in the fourth line and inserting in lieu thereof the words "under this Act", so that the said subsection shall now read as follows:

License for  
public  
vehicles.

(1) No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do under this Act.

Rev. Stat.,  
c. 252, s. 24,  
(1934, c. 49,  
s. 3),  
amended.

(2) Section 24 of *The Public Vehicle Act*, as re-enacted by section 3 of *The Public Vehicle Act, 1934*, is amended by adding thereto the following subsection:

Liability  
coverage to  
passengers  
absolute.  
Rev. Stat.,  
c. 222.

(2) To the extent of the limits prescribed by regulation the provisions of subsection 5 of section 183*h* of *The Insurance Act* shall not apply to a motor vehicle liability policy provided for the protection of passengers of a public vehicle, as required by subsection 1 and the regulations passed thereunder.

Rev. Stat.,  
c. 155, s. 54,  
amended.

**19.—**(1) Section 54 of *The Registry Act* is amended by adding at the end thereof the words "in accordance with the provisions of *The Custody of Documents Act*", so that the said section shall now read as follows:

Orders-in-  
Council.

54. Orders-in-Council shall be registered by depositing a copy of the Order certified by the clerk of the

council, in accordance with the provisions of *The Rev. Stat.,  
Custody of Documents Act.* c. 157.

(2) Section 101 of *The Registry Act* as re-enacted by section 12 of *The Registry Act, 1929*, is amended by adding thereto the following subsection: *Rev. Stat.,  
c. 155, s. 101  
(1929, c. 43,  
s. 12),  
amended.*

(3) Notwithstanding the provisions of this section, the Lieutenant-Governor in Council may fix the remuneration to be paid to any registrar. *Remunera-  
tion of  
registrar.*

**20.** *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following section: *1930, c. 17,  
amended.*

29f.—(1) The debentures issued by the corporations as collateral security for the payment of the bonds of the commission shall on or before the 1st day of May, 1936, be delivered to the Treasurer of Ontario by the person or corporation with whom the same now are deposited under the provisions of this Act or any agreement or trust indenture entered into pursuant to this Act or in respect to the railway, and the same shall be held by the Treasurer of Ontario upon the trusts and for the purposes for which the same were issued and have heretofore been held. *Transfer of  
collateral  
debentures  
to Treasurer  
of Ontario.*

(2) Upon delivery of the said debentures to the Treasurer of Ontario, the person or corporation with whom the same are now deposited shall thereupon be freed and absolved from all trusts, responsibilities and liabilities in connection therewith or under the terms of any trust indenture or agreement, and the duties of such person or corporation in respect thereto shall cease and be determined. *Present  
trustee to be  
released from  
responsi-  
bility.*

**21.** Section 26 of *The Sheriffs Act* is amended by striking out the words "to the Treasurer of Ontario and" in the second and third lines. *Rev. Stat.,  
c. 18, s. 26,  
amended.*

**22.** Section 7 of *The Statute Labour Act* is amended by striking out the symbol and figure "\$5" where they occur at the end of subsection 1 and subsection 2 and inserting in lieu thereof the symbol and figures "\$10" so that the said subsections shall now read as follows: *Rev. Stat.,  
c. 239, s. 7,  
subss. 1, 2,  
amended.*

(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same *Collection  
of poll tax.*

within two days after demand therefor by the collector; and in case of neglect or refusal to pay the same the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress; and if no sufficient distress can be found the defaulter, for his refusal or neglect to pay the said sum, shall incur a penalty of \$10.

Penalty  
for non-  
performance.

- (2) Any person liable to perform statute labour under section 5, not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for that purpose, and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$10.

Renewal of  
guarantee by  
city of  
Sudbury of  
bonds of  
street  
railway.

**23.** Subject to the approval of the Ontario Municipal Board first being obtained, the corporation of the city of Sudbury may guarantee payment of the bonds of the Sudbury-Copper Cliff Suburban Electric Railway Company to an amount not exceeding \$75,000 as may be provided in any by-law passed by the council of the said corporation for such purpose in the event of such bonds being issued by the said company by way of exchange or substitution for or for the purpose of payment of bonds or any of the bonds of the said company heretofore issued by it and payment whereof was guaranteed by the said corporation under the provisions of the Act respecting the town (now the city) of Sudbury, being chapter 94 of the Statutes of Ontario, 1916, and the nature, extent and form of any guarantee which may be given by the said corporation under the provisions of this section shall be in accordance with the directions of the said board, and any by-law of the said corporation passed for the said purpose shall not for its validity require the assent of the electors of the said city.

Rev. Stat.,  
c. 150, s. 27,  
subs. 1, cl. a  
re-enacted.

**24.** Clause *a* of subsection 1 of section 27 of *The Trustee Act* is repealed and the following substituted therefor:

Investment  
of trust funds  
in registered  
loan  
corporations.

- (a) Any loan corporation registered under *The Loan and Trust Corporations Act* and having a paid-up capital and reserve fund amounting in the aggregate to not less than \$600,000, the reserve fund being not less than \$150,000; or

Rev. Stat.,  
c. 78, s. 29a,  
subs. 2  
(1931, c. 21,  
s. 2),  
amended.

**25.** Subsection 2 of section 29a of *The Vital Statistics Act* as enacted by section 2 of *The Vital Statistics Act, 1931*, is amended by striking out the symbol and figure "\$2" in the second line and inserting in lieu thereof the words "fifty cents," so that the said subsection shall now read as follows:



- (2) Every such officer shall, for the particulars as to each divorce, receive a fee of fifty cents, and such fee shall be payable from time to time by the Treasurer of Ontario on the certificate of the Registrar-General. Fees.

**26.**—(1) Subsection 15 of section 4 of *The Voters' Lists Act* is repealed. Rev. Stat., c. 7, s. 4, subs. 15, repealed.

(2) Subsection 2 of section 12 of *The Voters' Lists Act* is amended by striking out the words "or income" in the sixth line so that the said subsection shall now read as follows: Rev. Stat., c. 7, s. 12, subs. 2, amended.

- (2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired, shall be deemed to be a person entitled to be entered on the list, and if entered thereon, he shall be entered also on the assessment roll, and shall be assessed for his property if not already assessed therefor, without any request on his part, and the judge and clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 37. Persons who have acquired qualification before time for giving notice has expired.

**27.** (3) Section 21 of *The Voters' Lists Act* as amended by section 3 of *The Voters' Lists Act, 1933*, is further amended by adding thereto the following clause: Rev. Stat., c. 7, s. 21, amended.

- (e) persons who are entitled to vote on a certificate issued pursuant to subsection 3 of section 56 of *The Municipal Act*. Certified list,—exceptions. Rev. Stat., c. 233.

(4) Section 37 of *The Voters' Lists Act* is amended by striking out the words "or income" in the sixth line, so that the said section shall now read as follows: Rev. Stat., c. 7, s. 37, amended.

37. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll. Liability of persons whose names are added to roll on revision. Rev. Stat., c. 238.

**27.** Notwithstanding anything contained in *The Windsor, Essex and Lake Shore Railway Act, 1933*, the provisions of the said Act shall continue in force and have effect until the 30th day of June, 1937. 1933, c. 111 continued in force.

**28.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.







BILL

The Statute Law Amendment Act, 1936.

*1st Reading*

April 6th, 1936

*2nd Reading*

April 7th, 1936

*3rd Reading*

April 9th, 1936

MR. ROEBUCK













